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Matt Blunt

Secretary of State

MISSOURI REGISTER

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MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.state.mo.us/adrules/pubsched.asp

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2002.

Executive Order
03-11

WHEREAS, it is the desire of the Department of Corrections to operate at the highest professional level; and

WHEREAS, the Department endeavors to provide the state's inmates with an objective and impartial source for the timely resolution of grievances and concerns; and

WHEREAS, federal statutes require inmates to exhaust administrative remedies as a pre-requisite to litigation.

NOW THEREFORE, I, Bob Holden, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, do hereby reestablish the Citizens Advisory Committee on Corrections (CAC). The CAC is assigned to the Department of Corrections and shall aid and assist the Department as requested and as set out in this Order.

The purpose of the CAC is to consider offender grievances referred by the director of the Department of Corrections and to make recommendations to that director for the resolution of these grievances as specified in the Department of Corrections' Inmate Grievance Procedure. The CAC shall submit recommendations for grievance resolution to the director in a timely manner. The CAC shall work with and through the DOC and shall use its investigative staff for the committee's work. Additional duties may be assigned to the committee by the director of the Department of Corrections. Additional investigative staff may be requested by the chair from the Department of Public Safety as necessary.

The CAC shall consist of no less than thirteen and no more than one member for each correctional center as determined and appointed by the Governor. Each CAC member shall serve for a period of three years and may be re-appointed at the conclusion of the term. Appointments shall be made so that one-third of the membership of the committee shall terminate each year.

The members of the CAC shall elect a chairperson who shall serve for a period of two years and may be retained for subsequent term(s) by CAC vote. The chairperson shall represent the CAC to the public and to the media after consultation with the director of the Department of Corrections. Such representation may include majority and minority opinions of the committee members.

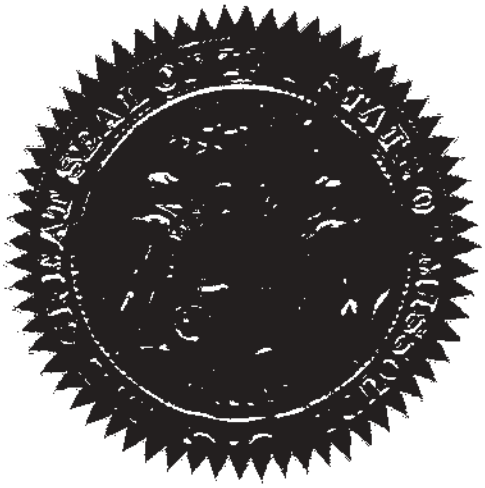
Members of the CAC shall serve without compensation, but may be reimbursed for reasonable and necessary expenses relating to their performance of duties, according to the rules and regulations of travel issued by the Office of Administration.

Members will be required to submit an expense account form in order to obtain reimbursement for expenses incurred.

All CAC members will meet collectively or as subcommittees on a regular basis. At least one meeting annually will be held in a central location in conjunction with a program for committee training.

Meetings of the CAC may be called by the chairperson of the committee or the director of the Department of Corrections. All meetings will be conducted in accordance with the Sunshine Law, including closed sessions. Notice will be posted and will be provided to the chair of the Joint Committee on Corrections. Minutes of the meeting shall be provided to all members, the office of the Governor, the director of the Department of Corrections and the chair of the Joint Committee on Corrections.

This Order supersedes and is in lieu of all previous Executive Orders pertaining to this subject.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 1st day of April, 2003.

Bob Holden
Governor

ATTEST:

Matt Blunt
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of Livestock, Poultry and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri. The director is amending sections (7) and (8).

PURPOSE: The proposed changes to sections (7) and (8) are designed to bring Missouri's interstate requirements into compliance with recently revised USDA regulations on scrapie and to protect Missouri's livestock industry.

(7) Sheep. *[Sheep must be accompanied by a Certificate of Veterinary Inspection, except farm of origin sheep consigned directly to approved markets or slaughter establishments. Official dipping or treatment is required within ten (10) days prior to entry on sheep originating from scabies infected areas or eradication areas.]*

(A) Sheep must be accompanied by a Certificate of Veterinary Inspection showing official individual identification (eartag or registration tattoo accompanied by registration paper) of all breeding sheep, regardless of age, and all sheep eighteen (18) months of age and over.

(B) Farm-of-origin sheep consigned directly to a licensed Missouri market/sale or slaughter must have official individual identification identifying them to the farm-of-origin but will not require a Certificate of Veterinary Inspection.

(C) Sheep originating from scabies infected area or eradication area are required to have official dipping or treatment within ten (10) days prior to entry.

(D) No tests are required on sheep entering Missouri.

(8) Goats. *[Goats must be accompanied by a Certificate of Veterinary Inspection, except farm of origin goats consigned directly to approved markets or slaughter establishments. No tests are required on goats entering Missouri.]*

(A) Goats must be accompanied by a Certificate of Veterinary Inspection showing official individual identification (eartag, microchip or registration tattoo accompanied by registration paper) of all bucks and does. If microchips are used for identification, owner/manager must travel with microchip reader to access this identification.

(B) Farm-of-origin goats consigned directly to a licensed Missouri market/sale must have official individual identification identifying them to the farm-of-origin but will not require a Certificate of Veterinary Inspection. Farm-of-origin goats consigned directly to slaughter are not required to have official individual identification nor a Certificate of Veterinary Inspection

(C) No tests are required on goats entering Missouri.

AUTHORITY: section 267.645, RSMo 2000. This version of rule filed Jan. 24, 1975, effective Feb. 3, 1975. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Jan. 30, 2003. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretaigne Jones, D.V.M., Veterinarian II, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register.*** *No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of Livestock, Poultry and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.020 Movement of Livestock, Poultry and Exotic Animals Within Missouri. The director is amending section (3).

PURPOSE: The proposed changes to section (3) are designed to bring Missouri's intrastate requirements into compliance with recently revised USDA regulations on scrapie and protect Missouri's livestock industry.

(3) Sheep and Goats. *[All sheep and goats exchanged, bartered or sold within Missouri must be free of symptoms of infectious or contagious disease, or both. All suspected or confirmed cases of scrapie in Missouri must be reported immediately to the state veterinarian. All sheep and goats from infected or source flocks will be quarantined.]*

(A) All sheep and goats exchanged, bartered or sold within Missouri must be free of symptoms of infectious or contagious diseases, or both.

(B) All breeding sheep, plus all sheep eighteen (18) months of age and over, and all goat bucks and does, must have official identification (eartag or registration tattoo accompanied by registration papers) identifying them to the flock of origin.

(C) All suspected or confirmed cases of scrapie in Missouri must be reported immediately to the state veterinarian.

(D) All sheep and goats from scrapie infected or source flocks will be quarantined.

AUTHORITY: section 267.645, RSMo 2000. Original rule filed April 18, 1975, effective April 28, 1975. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Jan. 30, 2003. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretaigne Jones, D.V.M., Veterinarian II, PO Box 630 Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of Livestock, Poultry and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.020 Movement of Livestock, Poultry and Exotic Animals Within Missouri. The director is amending subsection (6)(D).

PURPOSE: The proposed change to subsection (6)(D) changes Missouri's Chronic Wasting Disease Surveillance program from voluntary to mandatory. This change is intended to protect Missouri's elk industry and enhance the value of their livestock to compete in interstate commerce.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(6) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(D) Elk and deer may move within Missouri in compliance with the *[Cervidae Uniform Methods and Rules for Brucellosis and the Cervidae Uniform Methods and Rules for Tuberculosis. Elk, red deer, reindeer, fallow deer and sika deer six (6) months of age and over must have one (1) approved negative brucellosis test within thirty (30) days prior to shipment. Cervidae originating from certified brucellosis-free herds may move on the current herd number and test date. All cervidae six (6) months of age and over must have a negative tuberculosis test using the single cervical method or BTB test within ninety (90) days prior to shipment. Cervidae originating from accredited TB cervidae herds may move on the current herd number and test date. All suspected or confirmed cases of chronic wasting disease (CWD) must be reported immediately to the state veterinarian. All cervids from infected or source herds will be quarantined.]* **guidelines as incorporated by reference to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999* and *Brucellosis in Cervidae; Uniform Methods and Rules, Effective September 30, 1998*.**

1. All sexually intact animals six (6) months of age or older, not under quarantine and not affected with brucellosis, must test negative for brucellosis within thirty (30) days prior to shipment.

A. Cervidae originating from a certified brucellosis-free herd as defined by the *Brucellosis in Cervidae; Uniform Methods and Rules, Effective September 30, 1998*, may move on the current herd number and test date.

2. All cervidae six (6) months of age and over must have a negative tuberculosis test using the single cervical method within ninety (90) days prior to shipment.

A. Cervidae originating from an accredited tuberculosis-free cervid herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, may move on the current herd number and test date.

3. All elk moving within Missouri must originate from an herd that is enrolled in a chronic wasting disease (CWD) surveillance program as outlined by the Missouri Department of Agriculture.

A. All suspected or confirmed cases of CWD must be reported immediately to the state veterinarian.

B. All cervids from infected or source herds will be quarantined.

AUTHORITY: section 267.645, RSMo 2000. Original rule filed April 18, 1975, effective April 28, 1975. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Jan. 30, 2003. Amended: Filed March 17, 2003. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment may cost private entities more than five hundred dollars ($500) in the aggregate. This estimate is based on the transition from a voluntary surveillance program to a mandatory program. The number of herds and animals noted in the fiscal note reflect what is currently enrolled in the Voluntary Chronic Wasting Disease Surveillance program. There is no possible avenue by which to estimate the number of samples that are not collected from herds not participating in the voluntary surveillance program or the cost to the producer.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretaigne Jones, D.V.M., Veterinarian II, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	2 CSR 30-2.020 Movement of Livestock, Poultry and Exotic Animals Within Missouri.
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 80 elk herds	Elk producers	$15 to $35 per sample

III. WORKSHEET

1. Veterinarian collecting sample	-	$15.00
Cost of test completed at private laboratories	-	$20.00
COST TO PRODUCER PER SAMPLE	-	**$35.00**
2. Veterinarian collecting sample	-	$15.00
Cost of test completed at a federal diagnostic laboratory	-	$ 0.00
COST TO PRODUCER PER SAMPLE	-	**$15.00**

IV. ASSUMPTIONS

This proposed amendment will require every elk herd in the state of Missouri to participate in a Chronic Wasting Disease Surveillance program.

Surveillance will be maintained on each herd by collecting and submitting appropriate samples from all cases of mortality, including slaughter, in animals over twelve (12) months of age. The average mortality rate in an elk herd is 3%. There are approximately 34 herds with a population of 1,656 animals participating in the existing Voluntary Chronic Wasting Disease Surveillance program. Based on the number of animals/herds, the average herd has a population of 48 animals and at an average mortality rate of 3%; the producer would be required to sample approximately 1.4 animals per year.

These samples must be collected by an accredited veterinarian or regulatory personnel and be sent to an approved laboratory for testing. Federal diagnostic laboratories do not currently charge to perform tests on these samples whereas private laboratories charge for these services. Charges for veterinary services and private laboratories vary from veterinarian to veterinarian throughout the state and from laboratory to laboratory. There may be additional charges if the veterinarian has to make a farm-trip to collect the sample on site. Figures shown are based upon costs for animals transported to the veterinarian's office for sample collection.

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of Livestock, Poultry and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.040 Animal Health Requirements for Exhibition. The director is amending sections (4) and (5).

PURPOSE: The proposed changes to sections (4) and (5) are designed to bring Missouri's interstate requirements into compliance with recently revised USDA regulations on scrapie and to protect Missouri's livestock industry.

(4) Exhibition Requirements for Sheep in Missouri.

(A) Intrastate (sheep in Missouri being exhibited only in Missouri).

1. Sheep that are to be exhibited **including market class sheep** must be free of clinical signs of an infectious or contagious disease **and are required to have a Certificate of Veterinary Inspection**. *[Sheep must be identified and listed on a health certificate.*

2. Scabies.

A. Sheep from a scabies-quarantined area must be dipped or treated by an officially approved method within ten (10) days prior to exhibition.

B. A prior permit number must be obtained and recorded on a health certificate if the sheep are from a scabies-quarantined area.]

2. Sheep (except castrated males) must be identified to flock of origin using official identification (eartag or registration tattoo accompanied by registration papers) and listed on the Certificate of Veterinary Inspection.

3. Scabies.

A. Sheep from a scabies-quarantined area must be dipped or treated by an officially approved method within ten (10) days prior to exhibition.

B. A prior permit number must be obtained and recorded on the Certificate of Veterinary Inspection if the sheep are from a scabies-quarantined area.

(5) Exhibition Requirements for Goats in Missouri.

(A) Intrastate (goats in Missouri being exhibited only in Missouri).

1. All goats that are to be exhibited must be free of clinical signs of an infectious or contagious disease. *[Goats must be identified and listed on a health certificate.]*

2. *[No tests are required.]* **Goats must be identified with bucks and does bearing official identification to flock of origin, and listed individually on a Certificate of Veterinary Inspection.**

3. No tests are required.

*AUTHORITY: section 267.645, RSMo 2000. Emergency rule filed June 28, 1977, effective July 8, 1977, expired Nov. 5, 1977. Original rule filed June 28, 1977, effective Oct. 13, 1977. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Jan. 30, 2003. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretaigne Jones, D.V.M., Veterinarian II, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities

PROPOSED RULE

4 CSR 240-20.065 Net Metering

PURPOSE: This rule implements the Consumer Clean Energy Act (section 386.887, RSMo Supp. 2002) and establishes standards for interconnection of qualified net metering units (generating capacity of one hundred kilowatts (100 kW) or less) with retail electric power suppliers.

(1) Definitions.

(A) Commission means the Public Service Commission of the state of Missouri.

(B) Customer-generator means a consumer of electric energy who purchases electric energy from a retail electric power supplier and is the owner of a qualified net metering unit.

(C) Local distribution system means facilities for the distribution of electric energy to the ultimate consumer thereof.

(D) Qualified net metering unit means an electric generation unit which—

1. Is owned by a customer-generator;

2. Is a hydrogen fuel cell or is powered by sun, wind or biomass;

3. Has an electrical generating system with a capacity of not more than one hundred kilowatts (100 kW);

4. Is located on premises that are owned, operated, leased or otherwise controlled by the customer-generator;

5. Is interconnected with, and operates in parallel and in synchronization with a retail electric power supplier; and

6. Is intended primarily to offset part or all of the customer-generator's own electric power requirements.

(E) Retail electric power supplier means any entity that sells electric energy to the ultimate consumer thereof.

(F) Value of electric energy means the total resulting from the application of the appropriate rates, which may be time-of-use rates at the option of the retail electric power supplier, to the quantity of electric energy delivered to the retail electric power supplier from a qualified net metering unit or to the quantity of electric energy sold to a customer-generator.

(2) Applicability.

(A) This rule applies to retail electric power suppliers and customer-generators.

(3) Retail Electric Power Supplier Obligations.

(A) Each retail electric power supplier shall develop a tariff or rate schedule applicable to net metering customer-generators that shall—

1. Be made available to qualifying customer-generators upon request; and

2. Shall be posted with any other tariffs or rate schedules on the retail electric power supplier's website.

(B) Each retail electric power supplier shall provide net metering service on a first-come, first-served basis, until the total rated generating capacity used by customer-generators is equal to or in excess of the lesser of ten thousand kilowatts (10,000 kW) or one-tenth of one percent (0.1%) of the capacity necessary to meet the retail electric power supplier's aggregate customer peak demand for the preceding calendar year.

(C) Each retail electric power supplier shall notify the commission when total generating capacity of customer-generators is equal to or in excess of the lesser of ten thousand kilowatts (10,000 kW) or one-tenth of one percent (0.1%) of the capacity necessary to meet the retail electric power supplier's aggregate customer peak demand for the preceding calendar year.

(D) Each retail electric power supplier shall maintain and make available to the public, records of the total generating capacity of customer-generators, the type of generating systems and the energy sources used.

(E) The retail electric power supplier's tariff, tariff rider, or rate schedule used to provide service to the customer-generator shall be identical in rate structure, all retail rate components, and any monthly charges, to the tariff or rate schedule provisions to which the same customer would be assigned if that customer were not a customer-generator.

1. Time-of-use rates, which may be applied at the option of the retail electric power supplier, shall be the time-of-use rates applicable to the customer-generator's assigned rate classification, absent the output of the net metering unit.

(F) No retail electric power supplier's tariff or rate schedule for net metering shall require customer-generators to—

1. Perform or pay for additional tests or analysis beyond those required to determine the effect of the operation of the net metering system on the local distribution system; or

2. Purchase additional liability insurance beyond that required by section (4) of this rule.

(4) Customer-Generator Liability Insurance Obligation.

(A) The customer-generator shall carry no less than one hundred thousand dollars ($100,000) of liability insurance that provides for coverage of all risk of liability for personal injuries (including death) and damage to property arising out of or caused by the operation of the net metering unit. Insurance may be in the form of an existing policy or an endorsement on an existing policy.

(5) Determination of Net Value of Energy.

(A) Each retail electric power supplier shall calculate the net value of energy for a customer-generator in the following manner—

1. The retail electric power supplier shall individually measure both—

A. The electric energy delivered by the customer-generator to the retail electric power supplier; and

B. The electric energy provided by the retail electric power supplier to the customer-generator during each billing period by using metering capable of such function—either by a single meter capable of registering the flow of electricity in two (2) directions, or by using two (2) meters. The customer-generator is responsible for the costs of the metering described in this subsection beyond those a retail electric power supplier would incur in providing electric service to a customer in the same rate class as the customer-generator but who is not a customer-generator.

2. If the value of the electric energy supplied by the retail electric power supplier exceeds the value of the electric energy delivered by the customer-generator to the retail electric power supplier during a billing period, then the customer-generator shall be billed for the net value of the electric energy supplied by the retail electric power supplier in accordance with the rates, terms and conditions established by the retail electric power supplier for customer-generators.

3. If the value of the electric energy delivered by the customer-generator to the retail electric power supplier exceeds the value of the electric energy supplied by the retail electric power supplier, then the customer-generator—

A. Shall be billed for the appropriate customer charges for that billing period; and

B. Shall be credited for the net value of the electric energy delivered to the retail electric power supplier during the billing period, calculated using the retail electric power supplier's avoided cost (time of use or non-time of use), with this credit appearing on the customer-generator's bill no later than the following billing period.

(B) The retail electric power supplier, at its own expense, may install additional special metering (e.g. load research meter) to monitor the flow of electricity in each direction, not to include meters needed to comply with subsection (5)(A) of this rule.

(6) Interconnection Agreement.

(A) Each customer-generator and retail electric power supplier shall enter into the interconnection agreement included herein.

(7) Retail Electric Power Supplier Reporting Requirements.

(A) Each retail electric power supplier shall—

1. Supply the commission staff with a copy of the standard information regarding net metering and interconnection requirements provided to customers or posted on the retail electric power supplier's website; and

2. Supply the commission staff with a description of additional requirements, if these additional requirements are applicable to all net metering customers and not specific to individual interconnection situations, beyond those needed to meet the specific requirements outlined in section C of the interconnection agreement included herein.

(8) Customer-Generator Testing Requirements.

(A) Each customer-generator shall, at least once every year, conduct a test to confirm that the net metering unit automatically ceases to energize the output (interconnection equipment output voltage goes to zero) within two (2) seconds of being disconnected from the retail electric power supplier's system. Disconnecting the net metering unit from the retail electric power supplier's electric system at the visible disconnect switch and measuring the time required for the unit to cease to energize the output shall satisfy this test.

(B) The customer-generator shall maintain a record of the results of these tests and, upon request, shall provide a copy of the test results to the retail electric supplier.

1. If the customer-generator is unable to provide a copy of the test results upon request, the retail electric power supplier shall notify the customer-generator by mail that the customer-generator has thirty (30) days from the date the customer-generator receives the request to provide the results of a test to the retail electric power supplier.

2. If the customer-generator's equipment ever fails this test, the customer-generator shall immediately disconnect the net metering unit.

3. If the customer-generator does not provide the results of a test to the retail electric power supplier within thirty (30) days of receiving a request from the retail electric power supplier or the results of the test provided to the retail electric power supplier show that the unit is not functioning correctly, the retail electric power supplier may immediately disconnect the net metering unit.

4. The net metering unit shall not be reconnected to the retail electric power supplier's electrical system by the customer-generator until the net metering unit is repaired and operating in a normal and safe manner.

INTERCONNECTION APPLICATION/AGREEMENT FOR NET METERING SYSTEMS WITH CAPACITY OF 100 kW OR LESS

For Customers Applying for Interconnection:

If you are interested in applying for interconnection to [Utility Name]'s electrical system, you should first contact [Utility Name] and ask for information related to interconnection of parallel generation equipment to [Utility Name]'s system and you should understand this information before proceeding with this Application. If you wish to apply for interconnection to [Utility Name]'s electrical system, please complete sections A, B, C, and D, and attach the plans and specifications describing the net metering, parallel generation, and interconnection facilities (hereinafter collectively referred to as the "Customer-Generator's System") and submit them to [Utility Name] at:

[Utility Mailing Address]

You will be provided with an approval or denial of this Application within ninety (90) days of receipt by [Utility Name]. If this Application is denied, you will be provided with the reason(s) for the denial. If this Application is approved and signed by both you and [Utility Name], it shall become a binding contract and shall govern your relationship with [Utility Name].

For Customers Who Have Received Approval of Customer-Generator System Plans and Specifications:

After receiving approval of your Application, it will be necessary to construct the Customer-Generator System in compliance with the plans and specifications described in the Application, complete sections E and F of this Application, and forward this Application to [Utility Name] for review and completion of section G at:

[Utility Mailing Address]

[Utility Name] will complete the utility portion of section G and, upon receipt of a completed Application/Agreement form and payment of any applicable fees, permit interconnection of the Customer-Generator System to [Utility Name]'s electrical system within fifteen (15) days of receipt by [Utility Name] if electric service already exists to the premises, unless the Customer-Generator and [Utility Name] agree to a later date. Similarly, upon receipt of a completed Application/Agreement form and payment of any applicable fees, if electric service does not exist to the premises, [Utility Name] will permit interconnection of the Customer-Generator System to [Utility Name]'s electrical system no later than fifteen (15) days after service is established to the premises, unless the Customer-Generator and [Utility Name] agree to a later date.

For Customers Who Are Assuming Ownership or Operational Control of an Existing Customer-Generator System:

If no changes are being made to the existing Customer-Generator System, complete sections A, D and F of this Application/Agreement and forward to [Utility Name] at:

[Utility Mailing Address]

[Utility Name] will review the new Application/Agreement and shall approve such, within fifteen (15) days of receipt by [Utility Name] if the new Customer-Generator has satisfactorily completed Application/Agreement, and no changes are being proposed to the existing Customer-Generator System. There are no fees or charges for the Customer-Generator who is assuming ownership or operational control of an existing Customer-Generator System if no modifications are being proposed to that System.

A. Customer-Generator's Information

Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Service/Street Address (if different from above): _____
City: _____ State: _____ Zip Code: _____
Daytime Phone: _____ Fax: _____ E-Mail: _____
Emergency Contact Phone: _____
[Utility Name] Account No. (from Utility Bill): _____

B. Customer-Generator's System Information

Manufacturer Name Plate (if applicable) AC Power Rating: _____ kW Voltage: _____ Volts
System Type: Solar __ Wind __ Biomass __ Fuel Cell __ Other (describe) _____
Service/Street Address: _____
Inverter/Interconnection Equipment Manufacturer: _____
Inverter/Interconnection Equipment Model No.: _____
Are Required System Plans & Specifications Attached? Yes__ No __
Inverter/Interconnection Equipment Location (describe): _____
_____
Outdoor Manual/Utility Accessible & Lockable Disconnect Switch Location (describe):
_____
Existing Electrical Service Capacity: _____ Amperes Voltage: _____ Volts
Service Character: Single Phase __ Three Phase __

C. Installation Information/Hardware and Installation Compliance

Person or Company Installing: _____
Contractor's License No. (if applicable): _____
Approximate Installation Date: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Daytime Phone: _____ Fax: _____ E-Mail: _____
Person or Agency Who Will Inspect/Certify Installation: _____

The Customer-Generator's proposed System hardware complies with all applicable National Electrical Safety Code (NESC), National Electric Code (NEC), Institute of Electrical and Electronics Engineers (IEEE) and Underwriters Laboratories (UL) requirements for electrical equipment and their installation. As applicable to System type, these requirements include, but are not limited to, UL 1741 and IEEE 929-2000. The proposed installation complies with all applicable local electrical codes and all reasonable safety requirements of [Utility Name]. The proposed System has a lockable, visible disconnect device, accessible at all times to [Utility Name] personnel. The System is only required to include one lockable, visible disconnect device, accessible to [Utility Name]. If the interconnection equipment is equipped with a visible, lockable, and accessible disconnect, no redundant device is needed to meet this requirement.

The Customer-Generator's proposed System has functioning controls to prevent voltage flicker, DC injection, overvoltage, undervoltage, overfrequency, underfrequency, and overcurrent, and to provide for System

synchronization to [Utility Name]'s electrical system. The proposed System does have an anti-islanding function that prevents the generator from continuing to supply power when [Utility Name]'s electric system is not energized or operating normally. If the proposed System is designed to provide uninterruptible power to critical loads, either through energy storage or back-up generation, the proposed System includes a parallel blocking scheme for this backup source that prevents any backflow of power to [Utility Name]'s electrical system when the electrical system is not energized or not operating normally.
Signed (Installer): _____ Date: _____
Name (Print): _____

D. Additional Terms and Conditions
In addition to abiding by [Utility Name]'s other applicable rules and regulations, the Customer-Generator understands and agrees to the following specific terms and conditions:

1) Operation/Disconnection
If it appears to [Utility Name], at any time, in the reasonable exercise of its judgment, that operation of the Customer-Generator's System is adversely affecting safety, power quality or reliability of [Utility Name]'s electrical system, [Utility Name] may immediately disconnect and lock-out the Customer-Generator's System from [Utility Name]'s electrical system. The Customer-Generator shall permit [Utility Name]'s employees and inspectors reasonable access to inspect, test, and examine the Customer-Generator's System.

2) Liability
The Customer-Generator agrees to carry no less than $100,000 of liability insurance that provides for coverage of all risk of liability for personal injuries (including death) and damage to property arising out of or caused by the operation of the Customer-Generator's System. Insurance may be in the form of an existing policy or an endorsement on an existing policy.

3) Interconnection Costs
The Customer-Generator shall, at the Customer-Generator's cost and expense, install, operate, maintain, repair, and inspect, and shall be fully responsible for the Customer-Generator's System. The Customer-Generator further agrees to pay or reimburse to [Utility Name] all of [Utility Name]'s Interconnection Costs. Interconnection Costs are the reasonable costs incurred by [Utility Name] for: (1) additional tests or analyses of the effects of the operation of the Customer-Generator's System on [Utility Name]'s local distribution system, (2) additional metering, and (3) any necessary controls. These Interconnection Costs must be related to the installation of the physical facilities necessary to permit interconnected operation of the Customer-Generator's System with [Utility Name]'s system and shall only include those costs, or corresponding costs, which would not have been incurred by [Utility Name] in providing service to the Customer-Generator solely as a consumer of electric energy from [Utility Name] pursuant to [Utility Name]'s standard cost of service policies in effect at the time the Customer-Generator's System is first interconnected with [Utility Name]'s system. Upon request, [Utility Name] shall provide the Customer-Generator with a non-binding estimate of [Utility Name]'s Interconnection Costs based upon the plans and specifications provided by the Customer-Generator to [Utility Name].

4) Energy Pricing and Billing
Section 386.887, RSMo Supp. 2002 sets forth the valuation and billing of electric energy provided by [Utility Name] to the Customer-Generator and to [Utility Name] from Customer-Generator. The value of the electric energy delivered to the Customer-Generator shall be billed in accordance with rate schedule(s)

Utility's Applicable Rate Schedules]. The value of the electric energy delivered by the Customer-Generator to [Utility Name] shall be credited in accordance with rate schedule(s) [Utility's Applicable Rate Schedules].

5) Terms and Termination Rights

This Agreement becomes effective when signed by both the Customer-Generator and [Utility Name], and shall continue in effect until terminated. After fulfillment of any applicable initial tariff or rate schedule term, the Customer-Generator may terminate this Agreement at any time by giving [Utility Name] at least thirty (30) days prior written notice. In such event, the Customer-Generator shall, no later than the date of termination of Agreement, completely disconnect the Customer-Generator's System from parallel operation with [Utility Name]'s system. Either party may terminate this Agreement by giving the other party at least thirty (30) days prior written notice that the other party is in default of any of the terms and conditions of this Agreement, so long as the notice specifies the basis for termination, and there is an opportunity to cure the default. This Agreement may also be terminated at any time by mutual agreement of the Customer-Generator and [Utility Name]. This agreement may also be terminated, by approval of the Commission, if there is a change in statute that is determined to be applicable to this contract and necessitates its termination.

6) Transfer of Ownership

If operational control of the Customer-Generator's System transfers to any other party than the Customer-Generator, a new Application/Agreement must be completed by the person or persons taking over operational control of the existing Customer-Generator System. [Utility Name] shall be notified no less than thirty (30) days before the Customer-Generator anticipates transfer of operational control of the Customer-Generator's System. The person or persons taking over operational control of Customer-Generator's System must file a new Application/Agreement, and must receive authorization from [Utility Name], before the existing Customer-Generator System can remain interconnected with [Utility Name]'s electrical system. The new Application/Agreement will only need to be completed to the extent necessary to affirm that the new person or persons having operational control of the existing Customer-Generator System completely understand the provisions of this Application/Agreement and agrees to them. If no changes are being made to the Customer-Generator's System, completing sections A, D and F of this Application/Agreement will satisfy this requirement. If no changes are being proposed to the Customer-Generator System, [Utility Name] will assess no charges or fees for this transfer. [Utility Name] will review the new Application/Agreement and shall approve such, within fifteen (15) days if the new Customer-Generator has satisfactorily completed the Application/Agreement, and no changes are being proposed to the existing Customer-Generator System. [Utility Name] will then complete section G and forward a copy of the completed Application/Agreement back to the new Customer-Generator, thereby notifying the new Customer-Generator that the new Customer-Generator is authorized to operate the existing Customer-Generator System in parallel with [Utility Name]'s electrical system. If any changes are planned to be made to the existing Customer-Generator System that in any way may degrade or significantly alter that System's output characteristics, then the Customer-Generator shall submit to [Utility Name] a new Application/Agreement for the entire Customer-Generator System and all portions of the Application/Agreement must be completed.

7) Dispute Resolution

If any disagreements between the Customer-Generator and [Utility Name] arise that cannot be resolved through normal negotiations between them, the disagreements may be brought to the Missouri Public Service Commission by either party, through an informal or formal complaint. Procedures for filing and processing these complaints are described in 4 CSR 240-2.070. The complaint procedures described in 4 CSR 240-2.070 apply only to retail electric power suppliers to the extent that they are regulated by the Missouri Public Service Commission.

8) Testing Requirement

The Customer-Generator must, at least once every year, conduct a test to confirm that the Customer-Generator's net metering unit automatically ceases to energize the output (interconnection equipment output voltage goes to zero) within two (2) seconds of being disconnected from [Utility Name]'s electrical system. Disconnecting the net metering unit from [Utility Name]'s electrical system at the visible disconnect switch and measuring the time required for the unit to cease to energize the output shall satisfy this test. The Customer-Generator shall maintain a record of the results of these tests and, upon request by [Utility Name], shall provide a copy of the test results to [Utility Name]. If the Customer-Generator is unable to provide a copy of the test results upon request, [Utility Name] shall notify the Customer-Generator by mail that Customer-Generator has thirty (30) days from the date the Customer-Generator receives the request to provide to [Utility Name], the results of a test. If the Customer-Generator's equipment ever fails this test, the Customer-Generator shall immediately disconnect the Customer-Generator's System from [Utility Name]'s system. If the Customer-Generator does not provide results of a test to [Utility Name] within thirty (30) days of receiving a request from [Utility Name] or the results of the test provided to [Utility Name] show that the Customer-Generator's net metering unit is not functioning correctly, [Utility Name] may immediately disconnect the Customer-Generator's System from [Utility Name]'s system. The Customer-Generator's System shall not be reconnected to [Utility Name]'s electrical system by the customer generator until the Customer-Generator's System is repaired and operating in a normal and safe manner.

I have read, understand, and accept the provisions of Section D, subsections 1 through 8 of this Application/Agreement.

Signed (Customer-Generator): _____ Date: _____

E. Electrical Inspection

The Customer-Generator System referenced above satisfies all requirements noted in Section C.
Inspector Name (print): _____
Inspector Certification: I am a Licensed Engineer in Missouri ___ or I am a Licensed Electrician in Missouri ___ License No._____
Signed (Inspector): _____ Date: _____

F. Customer-Generator Acknowledgement

I am aware of the Customer-Generator System installed on my premises and I have been given warranty information and/or an operational manual for that system. Also, I have been provided with a copy of [Utility Name]'s parallel generation tariff or rate schedule (as applicable) and interconnection requirements. I am familiar with the operation of the Customer-Generator System.

I agree to abide by the terms of this Application/Agreement and I agree to operate and maintain the Customer-Generator System in accordance with the manufacturer's recommended practices as well as [Utility Name]'s interconnection standards. If, at any time and for any reason, I believe that the Customer-Generator System is operating in an unusual manner that may result in any disturbances on [Utility Name]'s electrical system, I shall disconnect the Customer-Generator System and not reconnect it to [Utility Name]'s electrical system until the Customer-Generator System is operating normally after repair or inspection. Further, I agree to notify [Utility Name] no less than thirty (30) days prior to modification of the components or design of the Customer-Generator System that in any way may degrade or significantly alter that System's output characteristics. I acknowledge that any such modifications will require submission of a new Application/Agreement to [Utility Name].

I agree not to operate the Customer-Generator System in parallel with [Utility Name]'s electrical system until this Application/Agreement has been approved by [Utility Name].

Signed (Customer-Generator): _____ Date: _____

G. Utility Application Approval (*completed by* [Utility Name])

[Utility Name] does not, by approval of this Application/Agreement, assume any responsibility or liability for damage to property or physical injury to persons due to malfunction of the Customer-Generator's System or the Customer-Generator's negligence.

This Application is approved by [Utility Name] on this _____day of _____(month), _____(year).

[Utility Name] Representative Name (print): _____

Signed [Utility Name] Representative: _____

AUTHORITY: sections 386.887, RSMo Supp. 2002 and 386.250, RSMo 2000. Original rule filed March 11, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before May 15, 2003, and should include a reference to commission Case No. EX-2003-0230. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.state.mo.us/efis.asp>. A public hearing regarding this proposed rule is scheduled for May 19, 2003, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.020 Definitions and Common Reference Tables. The commission proposes to amend subsections (2)(C), (2)(N), (2)(O), (2)(P), (2)(R), (2)(S), and (2)(V). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: This amendment provides definitions for several key words and expressions used in chapters 1 through 6, including several definitions needed for changes made to clarify 10 CSR 10-6.060. The rulemaking also defines "portable equipment installation" that will be used to exempt these plants from the requirement to obtain operating permits. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the February 20, 2002 Recommendations from the "Managing For Results" presentation and the Air Program Advisory Forum 2001 and 2002 Recommendations.

(2) Definitions.

(C) All terms beginning with "C."

1. Can coating—A surface coating applied to a cylindrical steel or aluminum container. The container can be two (2) pieces (made by a drawn and wall-ironed shallow cup with only one (1) end) or three (3) pieces (made by a rectangular material rolled into a cylinder and the attachment of two (2) end pieces).

2. Carbon adsorption system—A device containing adsorbent material (for example, activated carbon, aluminum, silica gel); an inlet and outlet for exhaust gases; and a system to regenerate the saturated adsorbent. The carbon adsorption system must provide for the proper disposal or reuse of all volatile organic compounds (VOC) adsorbed.

3. Carbon bed breakthrough—A concentration of VOC in the carbon adsorption device exhaust that exceeds ten percent (10%) by weight of the inlet VOC concentration.

4. Catalytic incinerator—A control device using a catalyst to allow combustion to occur at a lower temperature.

5. Category I nonfriable ACM—Asbestos-containing packings, gaskets, resilient floor covering and asphalt roofing products containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR part 763, subpart F, Appendix A, section 1, Polarized Light Microscopy.

6. Category II nonfriable ACM—Any material, excluding category I nonfriable ACM, containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR part 763, subpart F, Appendix A, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.

7. Circumvention—Building, erecting, installing or using any article, machine, equipment, process or method which, when used, would conceal an emission that would otherwise constitute a violation of an applicable standard or requirement. That concealment includes, but is not limited to, the use of gaseous adjutants to achieve compliance with a visible emissions standard, and the piecemeal carrying out of an operation to avoid coverage by a standard that applies only to operations larger than a specific size.

8. Clean room—An uncontaminated area or room which is a part of the worker decontamination enclosure system.

9. Clear coat—A coating which lacks color and opacity or is transparent and uses the undercoat as a reflectant base or undertone color. This term also includes corrosion preventative coatings used for the interior of drums or pails.

10. Closed container—A container with a cover fastened in place so that it will not allow leakage or spilling of the contents.

11. Coating applicator—An apparatus used to apply a surface coating.

12. Coating line—One (1) or more apparatus or operations which include a coating applicator, flash-off area and oven where a surface coating is applied, dried or cured, or a combination of these.

13. Coil coating—The coating of any flat metal sheet or strip that comes in rolls or coils.

14. Cold cleaner—*[A type of degreaser which consists of a tank of organic solvent used for cleaning or degreasing metal parts at or near room temperature.]* **Any device or piece of equipment that contains and/or uses liquid solvent, into which parts are placed to remove soils from the surfaces of the parts or to dry the parts. Cleaning machines that contain and use heated nonboiling solvent to clean the parts are classified as cold cleaning machines.**

15. Commenced—An owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete within a reasonable time, a continuous program of construction or modification.

16. Commenced operation—The initial setting into operation of any air pollution control equipment or process equipment.

17. Commercial vehicle—A motor vehicle designed or regular-

ly used for carrying freight and merchandise or more than eight (8) passengers.

18. Commission—The Missouri Air Conservation Commission established pursuant to section 643.040, RSMo.

19. Condensate (hydrocarbons)—A hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.

20. Condenser—Any heat transfer device used to liquefy vapors by removing their latent heats of vaporization including, but not limited to, shell and tube, coil, surface or contact condensers.

21. Conservation vent—Any valve designed and used to reduce evaporation losses of VOC by limiting the amount of air admitted to, or vapors released from, the vapor space of a closed storage vessel.

22. Construction—Fabricating, erecting, reconstructing or installing a source operation. Construction shall include installation of building supports and foundations, laying of underground pipe work, building of permanent storage structures and other construction activities related to the source operation.

23. Containment—The area where an asbestos abatement project is conducted. The area must be enclosed either by a glove bag or plastic sheeting barriers.

24. Control curtain—Any of the three (3) following types of closure devices that are to be constructed of not less than four (4) mil thick plastic sheeting material and installed in an entryway of an area that is considered to be contaminated with free asbestos fibers.

A. A ventilation curtain that allows unrestricted air flow movement into a contaminated area when it is being ventilated with an exhaust fan. This curtain consists of a single flap that opens into the contaminated area and is securely fastened across the top of the entryway framework so that it overlaps both sides of the entryway by not less than twelve inches (12") and the base of the entryway by not less than three inches (3");

B. A confinement curtain that restricts the movement of air into, and from, an unventilated and contaminated area. This curtain consists of three (3) constructed baffles that cover the entire area of the entryway and are securely fastened along the top of the entryway framework and along alternate sides of locations in a manner that will allow two (2) of the curtains to fully cover the entryway opening while a person passes through the third curtain. An airlock arrangement consisting of two (2) confinement curtain entryways that are located at least three feet (3') apart may be substituted for the triple baffle arrangement; or

C. A closure device for which written department approval is required.

25. Conveyorized degreaser—A type of degreaser in which the parts are loaded continuously.

26. Criteria pollutant—Air pollutants for which air quality standards have been established in 10 CSR 10-6.010.

27. Crude oil—A naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen or oxygen derivatives, or a combination of these, of hydrocarbons which is a liquid at standard conditions.

28. Custody transfer—The transfer of produced crude oil or condensate, or both, after processing or treating, or both, in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

29. Cutback asphalt—Any asphaltic cement that has been liquefied by blending with VOC liquid diluents.

(N) All terms beginning with "N."

1. Nearby—Nearby as used in the definition GEP stack height in subparagraph (2)(G)2.B. is defined for a specific structure or terrain feature—

A. For purposes of applying the formula provided in subparagraph (2)(G)3.B., nearby means that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than one-half (1/2) mile; and

B. For conducting fluid modeling or field study demonstrations under subparagraph (2)(G)3.C., nearby means not greater than one-half (1/2) mile, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten (10) times the maximum height of the feature, not to exceed two (2) miles if feature achieves a height one-half (1/2) mile from the stack that is at least forty percent (40%) of the GEP stack height determined by the formula provided in subparagraph (2)(G)3.B. or twenty-six meters (26m), whichever is greater, as measured from the ground level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground level elevation at the base of the stack.

2. Net emissions increase—This term is defined in 40 CFR 51.166(b)(3) and is incorporated by reference.

3. New tepee burner—One not in existence as of September 18, 1970.

4. NIOSH—National Institute of Occupational Safety and Health.

5. Nonattainment area—*[The areas of Missouri identified as follows:]* **Those geographic areas in Missouri that have officially been designated by the U.S. Environmental Protection Agency in 40 CFR part 81.**

[A. A moderate nonattainment area for ozone consists of Franklin, Jefferson, St. Charles and St. Louis Counties and the City of St. Louis; and

B. Nonattainment areas for lead include the city of Herculaneum in Jefferson County, and the Dent, Liberty and Arcadia townships in Iron County.]

(O) All terms beginning with "O."

1. Offset—A decrease in actual emissions from a source operation or installation that is greater than the amount of emissions anticipated from a modification or construction of a source operation or installation. The decrease must be of the same pollutant and have substantially similar environmental and health effects on the impacted area. Any ratio of decrease to increase greater than one to one (1:1) constitutes offset. The exception to this are ozone nonattainment areas where VOC and NO_X emissions will require an offset ratio of actual emission reduction to new emissions according to the following schedule: marginal area = 1.1:1; moderate area = 1.15:1; serious area = 1.2:1; severe area = 1.3:1; and extreme area = 1.5:1.

2. Offtake—Any set of piping (for example, standpipes, goosenecks) that interconnects a coke oven with a collecting main which is common to all systems. The offtake system extends from the connection on top of the coke oven to the connection on the collecting main.

3. **Opacity—The extent to which airborne material obstructs the transmission of incident light and obscures the visual background. Opacity is stated as a percentage of light obstructed and can be measured by a continuous opacity monitoring system or a trained observer. An opacity of one hundred percent (100%) represents a condition in which no light is transmitted, and the background is completely obscured.**

*[3.]***4.** Open burning—The burning of any materials where air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, a chamber shall be regarded as enclosed, when, during the time combustion takes place, only those apertures, ducts, stacks, flues or chimneys as are necessary to provide combustion air and to permit the escape of exhaust gases are open.

*[4.]***5.** Open-top vapor degreaser—A type of degreaser which consists of a tank where solvent is heated to its boiling point which creates a zone of solvent vapor contained by a set of cooling coils.

Condensation of the hot solvent vapor cleans or degreases the colder metal parts.

*[5.]***6.** Outside air—Air outside the containment area.

*[6.]***7.** Owner or operator—Any person who owns, leases, operates, controls or supervises an air contaminant source.

(P) All terms beginning with "P."

1. Pail—Any nominal cylindrical container of one to twelve (1–12) gallon capacity.

2. Paint—A pigmented surface coating using VOCs as the major solvent and thinner which converts to a relatively opaque solid film after application as a thin layer.

3. Part 70—Environmental Protection Agency regulations, codified at 40 CFR part 70, setting forth requirements for state operating permit programs pursuant to Title V of the Act.

4. Particulate matter—Any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions and as specifically defined as follows:

A. PM—any airborne, finely divided solid or liquid material with an aerodynamic diameter smaller than one hundred (100) micrometers as measured in stacks by EPA Method 5, or sampled in the ambient air as specified in 10 CSR 10-6.040(4)(B); and

B. PM_{10}—particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured in stacks by EPA Methods 201/201A and 202; or sampled in the ambient air as specified in 10 CSR 10-6.040(4)(J).

5. Permanent shutdown—The permanent cessation of operation of any air pollution control equipment or process equipment, not to be placed back into service or have a start-up.

6. Permitting authority—Either the administrator or the state air pollution control agency, local agency or other agency authorized by the administrator to carry out a permit program as intended by the Act.

7. Person—Any individual, partnership, association, corporation including the parent company of a wholly-owned subsidiary, municipality, subdivision or agency of the state, trust, estate or other legal entity either public or private. This shall include any legal successor, employee or agent of the previous entities.

8. Petroleum liquid—Petroleum, condensate and any finished or intermediate products manufactured in a petroleum refinery with the exception of Numbers 2–6 fuel oils as specified in ASTM D(396-69), gas turbine fuel oils Number 2-GT—4-GT, as specified in ASTM D(2880-71), and diesel fuel oils Number 2-D and 4-D, as specified in ASTM D(975-68).

9. Petroleum refinery—Any facility which produces gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants or other products through distillation, cracking, extraction or reforming of unfinished petroleum derivatives.

10. Pharmaceutical—Any compound or preparation included under the Standard Industrial Classification Codes 2833 (Medicinal Chemicals and Botanical Products) and 2834 (Pharmaceutical Preparations), excluding products formulated by fermentation, extraction from vegetable material or animal tissue or formulation and packaging of the final product.

11. Pilot plants—The installations which are of new type or design which will serve as a trial unit for experimentation or testing.

12. Plant-mix—A mixture produced in an asphalt mixing plant that consists of mineral aggregate uniformly coated with asphalt cement, cutback asphalt or emulsified asphalt.

13. Pollutant—An air contaminant listed in 10 CSR 10-6.020(3)(A), Table 1 without regard to levels of emission or air quality impact.

14. Polyethylene bag sealing operation—Any operation or facility engaged in the sealing of polyethylene bags, usually by the use of heat.

15. Polystyrene resin—The product of any styrene polymerization process, usually involving heat.

16. Portable equipment—Any equipment that is designed and maintained to be movable, primarily for use in noncontinuous operations. Portable equipment includes rock crushers, asphaltic concrete plants and concrete batching plants.

17. Portable equipment installation—An installation made up solely of portable equipment, meeting the requirements of or having been permitted according to 10 CSR 10-6.060(4).

*[17.]***18.** Positive crankcase ventilation system—Any system or device which prevents the escape of crankcase emissions to the ambient air.

*[18.]***19.** Potential to emit—The emission rates of any pollutant at maximum design capacity. Annual potential shall be based on the maximum annual-rated capacity of the installation assuming continuous year-round operation. Federally enforceable permit conditions on the type of materials combusted or processed, operating rates, hours of operation or the application of air pollution control equipment shall be used in determining the annual potential. Secondary emissions do not count in determining annual potential.

*[19.]***20.** Potroom—A building unit which houses a group of electrolytic cells in which aluminum is produced.

*[20.]***21.** Potroom group—An uncontrolled potroom, a potroom which is controlled individually or a group of potrooms or potroom segments ducted to a common or similar control system.

*[21.]***22.** Primary aluminum reduction installation—Any facility manufacturing aluminum by electrolytic reduction of alumina.

*[22.]***23.** Primer—The first surface coating applied to the surface.

*[23.]***24.** Primer-surfacer—The surface coatings applied over the primer and beneath the topcoat.

*[24.]***25.** Process weight—The total weight of all materials introduced into a source operation including solid fuels, but excluding liquids and gases used solely as fuels and excluding air introduced for purposes of combustion.

*[25.]***26.** Production equipment exhaust system—A device for collecting and directing out of the work area fugitive emissions from reactor openings, centrifuge openings and other vessel openings and equipment for the purpose of protecting workers from excessive exposure.

*[26.]***27**. Publication rotogravure printing—Rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements and other types of printed materials.

*[27.]***28.** Pushing operation—The process of removing coke from the coke oven. The coke pushing operation begins when the coke-side oven door is removed and is completed when the hot car enters the quench tower and the coke-side oven door is replaced.

(R) All terms beginning with "R."

1. Reactor—A vat or vessel, which may be jacketed to permit temperature control, designed to contain chemical reactions.

2. Reconstruction—Where the fixed capital cost of the new components exceeds fifty percent (50%) of the fixed capital cost of a comparable entirely new source of operation or installation; the use of an alternative fuel or raw material by reason of an order in effect under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under Section 125 of the Clean Air Act, shall not be considered reconstruction. In determining whether a reconstruction will occur, the provisions of 40 CFR 60.15, December 1, 1979, shall be considered by the director.

3. Refinery fuel gas—Any gas which is generated by a petroleum refinery process unit and which is combusted including any gaseous mixture of natural gas and fuel gas.

4. Refuse—The garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes or other wastes.

5. Regulated air pollutant—All air pollutants or precursors for which any standard has been promulgated.

6. Regulated asbestos-containing material (RACM)—friable asbestos material; category I nonfriable asbestos-containing material (ACM) that has become friable; category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this rule.

7. Regulated pollutant—Any regulated air pollutant except carbon monoxide and pollutants regulated exclusively under section 112(r) or Title VI of the Act.

8. Reid vapor pressure (RVP)—The absolute vapor pressure of a petroleum liquid as determined by "Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends" 40 CFR part 80, Appendix E as in effect July 1, 1990.

9. Renewal—The process by which an operating permit is reissued at the end of its term.

10. Repair—The restoration of asbestos material that has been damaged. Repair consists of the application of rewettable glass cloth, canvas, cement or other suitable material. It may also involve filling damaged areas with nonasbestos substitutes and reencapsulating or painting previously encapsulated materials.

11. Residual fuel oil—The fuel oil variously known as Bunker C, PS 400 and Number 6 as defined in ASTM D(396-487) (1959).

12. Responsible official—Includes one (1) of the following:

A. The president, secretary, treasurer or vice-president of a corporation in charge of a principal business function, any other person who performs similar policy and decision-making functions for the corporation or a duly authorized representative of this person if the representative is responsible for the overall operation of one (1) or more manufacturing, production or operating facilities applying for or subject to a permit and either—

(I) The facilities employ more than two hundred and fifty (250) persons or have a gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars); or

(II) The delegation of authority to this representative is approved in advance by the permitting authority;

B. A general partner in a partnership or the proprietor in a sole proprietorship;

C. Either a principal executive officer or ranking elected official in a municipality, state, federal or other public agency. For the purpose of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or

D. The designated representative of an affected source insofar as actions, standards, requirements or prohibitions under Title IV of the Act or the regulations promulgated under the Act are concerned and the designated representative for any other purposes under part 70.

13. Retail outlet—Any establishment where gasoline is sold, offered for sale or used as a motor vehicle fuel.

[14. Ringelmann Chart—The Ringelmann's Scale for Grading the Density of Smoke as published in United States Bureau of Mines Information Circular 8333.]

*[15.]***14.** Road-mix—An asphalt course produced by mixing mineral aggregate and cutback or emulsified asphalt at the road site by means of travel plants, motor graders, drags or special road-mixing equipment.

*[16.]***15.** Roll printing—The application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

*[17.]***16.** Roller spreader—The device used for the application of a coating material to a substrate by means of hard rubber or steel rolls.

*[18.]***17.** Rotogravure printing—The application of words, designs and pictures to a substrate by means of a roll printing technique which involves an intaglio or recessed image areas in the form of cells.

(S) All terms beginning with "S."

1. Salvage operation—Any business, trade, industry or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material.

2. Sealing material—A liquid substance that does not contain asbestos which is used to cover a surface that has previously been coated with a friable asbestos-containing material for the intended purpose of preventing any asbestos fibers remaining on the surface from being disbursed into the air. This substance shall be distinguishable from the surface to which it is applied.

3. Secondary emissions—The emissions which occur or would occur as a result of the construction or operation of an installation or major modification but do not come from the installation or major modification itself. Secondary emissions must be specific, well-defined, quantifiable and impact the same general area as the installation or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

A. Emissions from trucks, ships or trains coming to or from the installation or modification; and

B. Emissions from any off-site support source which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification.

4. Section 502(b)(10) changes—Changes that contravene an express permit term. These changes do not include those that would violate applicable requirements or contravene federally-enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting or compliance certification requirements.

5. Sheet basecoat—The roll coated primary interior surface coating applied to surfaces for the basic protection of buffering filling material from the metal can surface.

6. Shower room—A room between the clean room and the equipment room in the worker decontamination enclosure. This room shall be equipped with running hot and cold water that is suitably arranged for complete showering during decontamination.

7. Shutdown—The cessation of operation of any air pollution control equipment or process equipment, excepting the routine phasing out of process equipment.

8. Shutdown, permanent—See permanent shutdown.

9. Side seam coating (three (3)-piece)—A can surface coating to seal the connecting edge of a formed metal sheet in the manufacture of a three (3)-piece can.

10. Significant—A net emissions increase or potential to emit at a rate equal to or exceeding the *de minimis* levels or create an ambient air concentration at a level greater than those listed in 10 CSR 10-6.060(11)(D) Table 4, or any emissions rate or any net emissions increase associated with an installation subject to 10 CSR 10-6.060 which would be constructed within ten kilometers (10 km) of a Class I area and have an air quality impact on the area equal to or greater than one microgram per cubic meter (1 $\mu g/m^3$) (twenty-four (24)-hour average). **For purposes of new source review under 10 CSR 10-6.060 sections (7) and (8), net emission increases of hazardous air pollutants exceeding the *de minimis* levels are not considered significant.**

11. Smoke—Small gas-borne particles resulting from combustion, consisting of carbon, ash and other material.

12. Solvent—Organic materials which are liquid at standard conditions and which are used as dissolves, viscosity reducers or cleaning agents.

13. Solvent metal cleaning—The process of cleaning soils from metal surfaces by cold cleaning or open-top vapor degreasing or conveyorized degreasing.

14. Solvent volatility—Reid vapor pressure.

15. Source gas volume—The volume of gas arising from a process or other source operation.

16. Source operation—See emission unit.

17. Springfield-Greene County area—The geographical area contained within Greene County.

18. St. Louis metropolitan area—The geographical area comprised of St. Louis, St. Charles, Jefferson and Franklin Counties and the City of St. Louis.

19. Stack—Any spatial point in an installation designed to emit air contaminants into ambient air. An accidental opening such as a crack, fissure, or hole is a source of fugitive emissions, not a stack.

20. Stack in existence—The owner or operator had—1) begun, or caused to begin, a continuous program of physical on-site construction of the stack; or 2) entered into binding agreements or contractual operations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

21. Staff director—Director of the Air Pollution Control Program of the Department of Natural Resources.

22. Standard conditions—A gas temperature of seventy degrees Fahrenheit (70°F) and a gas pressure of 14.7 pounds per square inch absolute (psi).

23. Start-up—The setting into operation of any air pollution control equipment or process equipment, except the routine phasing in of process equipment.

24. State—Any nonfederal permitting authority, including any local agency, interstate association or statewide program. When clear from its context, state shall have its conventional territorial definition.

25. State implementation plan—A series of plans adopted by the commission, submitted by the director, and approved by the administrator, detailing methods and procedures to be used in attaining and maintaining the ambient air quality standards in Missouri.

26. Storage tank—Any tank, reservoir or vessel which is a container for liquids or gases, where no manufacturing process or part of it, takes place.

27. Structural item—Roofs, walls, ceilings, floors, structural supports, pipes, ducts, fittings and fixtures that have been installed as an integral part of any structure.

28. Submerged fill pipe—Any fill pipe the discharge opening of which is entirely submerged when the liquid level is six inches (6") above the bottom of the tank. Submerged fill pipe when applied to a tank which is loaded from the side is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is eighteen inches (18") or twice the diameter of the fill pipe, whichever is greater, above the bottom of the tank.

29. Synthesized pharmaceutical manufacturing—Manufacture of pharmaceutical products by chemical synthesis.

(V) All terms beginning with "V."

1. Vacuum producing system—Any reciprocating, rotary or centrifugal blower or compressor or any jet ejector device that takes suction from a pressure below atmospheric on a system containing volatile hydrocarbons.

2. Vapor recovery system—A vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing the hydrocarbon vapors and gases so as to limit their emission to the atmosphere.

3. Vapor-mounted seal—A primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface and the floating roof.

4. Vapor tight—When applied to a delivery vessel or vapor recovery system as one that sustains a pressure change of no more than seven hundred fifty (750) pascals (three inches (3") of H_2O) in five (5) minutes when pressurized to a gauge pressure of four thousand five hundred (4,500) pascals (eighteen inches (18") of H_2O) or evacuated to a gauge pressure of one thousand five hundred (1,500) pascals (six inches (6") of H_2O).

5. Varnish—An unpigmented surface coating containing VOC and composed of resins, oils, thinners and driers used to give a glossy surface to wood, metal, etc.

6. Vehicle—Any mechanical device on wheels, designed primarily for use on streets, roads or highways, except those propelled or drawn by human or animal power or those used exclusively on fixed rails or tracks.

7. Vinyl coating—The application of a decorative or protective topcoat, or printing or vinyl coated fabric or vinyl sheet.

8. Visible emission—Any discharge of an air contaminant**,** ***[into the atmosphere which is darker in shade as that designated No. 0 on the Ringelmann Chart, as published by the United States Bureau of Mines, or is of an opacity as to obscure an observer's view to a degree greater than Ringelmann No. 0]*** **including particulate matter or other condensibles, which reduce the transmission of light or obscure the view of an object in the background**.

9. Volatile organic compounds (VOC)—For all areas in Missouri VOC means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions to produce ozone. The following compounds will not be considered VOCs because of their known lack of participation in the atmospheric reactions to produce ozone:

1,1,1,2,3,4,4,5,5,5-decafluoropentane(HFC 43-10mee);
1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
1,1,2,2,3-pentafluoropropane (HFC-245ca);
1,1,2,3,3-pentafluoropropane (HFC-245ea);
1,1,1,2,3-pentafluoropropane (HFC-245eb);
1,1,1,3,3-pentafluoropropane (HFC-245fa);
1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
1,1,1,3,3-pentafluorobutane (HFC-365mfc);
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
1-chloro-1-fluorethane (HCFC-151a);
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane (C4FOCH3);
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3) 2CFCF2OCH3);
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluoro-butane (C4F9OC2H5);
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3) 2CFCF2OC2H5);
1,1,1-trichloroethane (methyl chloroform);
acetone;
chlorodifluoroethane (HCFC-142b);
chlorodifluoromethane (HCFC-22);
chlorofluoromethane (HCFC-31);
chloropentafluoroethane (CFC-115);
chlorotetrafluoroethane (HCFC-124);
dichlorodifluoromethane (CFC-12);
dichlorofluoroethane (HCFC-141b);
dichlorotetrafluoroethane (CFC-114);
dichlorotrifluoroethane (HCFC-123);
difluoroethane (HFC-152a);
difluoromethane (HFC-32);
ethane;

ethylfluoride (HFC-161);
methane;
methyl acetate;
methylene chloride (dichloromethane);
parachlorobenzotrifluoride (PCBTF);
pentafluoroethane (HFC-125);
perchloroethylene;
tetrafluoroethane (HFC-134);
tetrafluoroethane (HFC-134a);
trichlorofluoromethane (CFC-11);
trichlorotrifluoroethane (CFC-113);
trifluorodichloroethane (HCFC-123);
trifluoroethane (HFC-143a);
trifluoromethane (HFC-23);
cyclic, branched or linear, completely fluorinated alkanes;
cyclic, branched or linear, completely fluorinated ethers with no unsaturations;
cyclic, branched or linear, completely methylated siloxanes;
cyclic, branched or linear, completely fluorinated tertiary amines with no unsaturations; and
sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorines.

VOC may be measured by a reference method, an equivalent method, an alternative method or by procedures specified in either 10 CSR 10-6.030 or 40 CFR 60. These methods and procedures may measure nonreactive compounds so an owner or operator must exclude these nonreactive compounds when determining compliance.

*AUTHORITY: sections 643.050 and 643.055, RSMo [Supp. 1998] **2000**. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 5, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 29, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 400, 301 W. High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 5, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.060 Construction Permits Required. The commission proposes to amend subsections (1)(A), (1)(B), (1)(D), (7)(A), (7)(B), (7)(C), (8)(A) and (8)(C); and delete subsections (1)(E) and (1)(F). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency, to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: The purpose of this amendment is to simplify the applicability section of the rule by removing the exemption, excluded activities, and exceptions subsections. These sections are being reproduced and expanded in a new rule 10 CSR 10-6.061 Construction Permit Exemptions. This amendment will also incorporate references to a new rule 10 CSR 10-6.062 Construction Permits By Rule that will allow installations to construct and operate new air pollution sources without going through the case-by-case review. This rule amendment will also clarify language in section (7). The evidence supporting this proposed rulemaking, per section 536.016, RSMo, is the February 20, 2002, Recommendations from the "Managing For Results" presentation and the Air Program Advisory Forum 2001 and 2002 Recommendations.

(1) Applicability.

(A) Definitions.

1. Major operation—Any installation which has the potential to emit one hundred (100) tons per year or more of criteria pollutants, fifty (50) tons per year of volatile organic compound (VOC) or oxides of nitrogen in serious nonattainment areas; twenty-five (25) tons per year of VOC or oxides of nitrogen in severe nonattainment areas; or ten (10) tons per year of VOC or oxides of nitrogen in extreme nonattainment areas.

2. Definitions for key words or phrases used in this rule**, other than those defined in this rule section,** may be found in 10 CSR 10-6.020(2).

(B) Covered Installations/Changes. This rule shall apply to installations throughout Missouri with the potential to emit any pollutant in an amount equal to or greater than the *de minimis* levels. This rule also shall apply to changes at installations which emit less than the *de minimis* levels where the construction or modification itself would be subject to section (6), (7), (8) or (9) of this rule. This rule shall apply to all incinerators**, unless permitted under rule 10 CSR 10-6.062**.

(D) Exempt Emissions Units. **This rule does not apply to the construction or modification of installations that are exempted or excluded by 10 CSR 10-6.061 or are permitted under rule 10 CSR 10-6.062.**

[1. The following combustion equipment is exempt from this rule if the equipment emits only combustion products, and the equipment produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Any combustion equipment using exclusively natural or liquefied petroleum gas or any combination of these with a capacity of less than ten (10) million British thermal units (Btus) per hour heat input; or

B. Any combustion equipment with a capacity of less than one (1) million Btus per hour heat input.

2. The following establishments, systems, equipment and operations also are exempt from this rule:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt;

B. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

C. Equipment used for any mode of transportation;

D. Livestock and livestock handling systems from which the only potential air contaminant is odorous gas;

E. Any grain handling, storage and drying facility which—

(I) Is in noncommercial use only, that is, used only to handle, dry or store grain produced by the owner if—

(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;

(b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and

(c) The facility is located at least five hundred feet (500') from any recreational area, residence or business not occupied or used solely by the owner; and

(II) Is in commercial use and the total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels;

F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

G. Sand and gravel operations that have a maximum capacity to produce less than seventeen and one-half (17.5) tons of product per hour and use only natural gas as fuel when drying;

H. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;

I. Equipment or control equipment which eliminates all emissions to the ambient air;

J. Equipment (other than anaerobic lagoons) or control equipment which emits odors unless the equipment or control equipment also emits other regulated air pollutants;

K. Residential wood heaters, cookstoves or fireplaces;

L. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants;

M. Recreational fireplaces;

N. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption; and

O. Noncommercial incinerations of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized, as authorized in section 269.020.6, RSMo 2000.

3. At installations, previously issued a permit under this rule, construction or modifications are exempt from this rule if they meet the requirements of subparagraphs (1)(D)3.A. or (1)(D)3.B. of this rule for criteria pollutants, except lead, and subparagraph (1)(D)3.C. for hazardous air pollutants. The director may require review of construction or modifications otherwise exempt under subparagraphs (1)(D)3.A., (1)(D)3.B., or (1)(D)3.C. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. For proposed construction or modification located less than five hundred (500) feet from the property boundary, at maximum design capacity the proposed construction or modification shall emit each criteria pollutant at a rate of no more than one-half (0.5) pounds per hour. For proposed construction or modification located more than five hundred (500) feet from the property boundary, at a maximum design capacity the proposed construction or modification shall emit each criteria pollutant at a rate of no more than 0.91 pounds per hour.

B. Actual emissions of each criteria pollutant will be no more than eight hundred seventy-six (876) pounds per year.

C. At maximum design capacity the proposed construction or modification will emit a hazardous air pollutant at a rate of no more that one-half (0.5) pounds per hour, or the hazardous air pollutant emission threshold as established in subsection (12)(J) of this rule, whichever is less.

(E) Excluded Activities. This rule does not apply to—

1. Routine maintenance, parts replacement or relocation of emissions units within the same installation which do not involve either any appreciable change either in the quality or nature, or any increase in either the potential to emit or the effect on air quality, of the emissions of any air contaminant. Solely for the purpose of illustrating this category of excluded activities without limiting the generality of the preceding liberal sentence, the following examples are given:

A. Replacing the bags in a baghouse;

B. Replacing wires, plates, rappers, controls or electric circuitry in an electrostatic precipitator which does not measurably decrease the design efficiency of the unit;

C. Replacement of fans, pumps or motors which does not alter the operation of a source or performance of a control device;

D. Boiler tubes;

E. Piping, hoods and ductwork; or

F. Replacement of engines, compressors or turbines as part of a normal maintenance program.

2. Changes in a process or process equipment which do not involve installing, constructing or reconstructing an emissions unit or associated air cleaning devices, and that do not involve either any appreciable change either in the quality or nature, or any increase in either the potential to emit or the effect on air quality of the emissions of any air contaminant. Solely for the purpose of illustrating this category of excluded activities and without limiting the generality of the preceding liberal sentence, the following examples are given:

A. Change in the supplier or formulation of similar raw materials, fuels, paints and other coatings;

B. Change in the sequence of the process;

C. Change in the method of raw material addition;

D. Change in the method of product packaging;

E. Change in the process operating parameters;

F. Replacement of an identical or more efficient cyclone precleaner which is used as a precleaner in a fabric filter control system;

G. Installation of a floating roof on an open top petroleum storage tank;

H. Replacement of a fuel burner in a boiler with a more thermally efficient burner;

I. Lengthening a paint drying oven to provide additional curing time; or

J. Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment.

3. Replacement of like-kind emission units that do not involve either any appreciable change either in the quality or nature, or any increase either in the potential to emit or the effect on air quality, of the emissions of any air contaminant.

4. The exempt activities in paragraphs (1)(E)1.–3. of this rule reflect a presumption that existing emissions units which are changed or replaced by like-kind units shall be treated as having begun normal operation for purposes of the definition of actual emissions in 10 CSR 10-6.020.

5. Permit-by-rule. (Reserved)

(F) Exceptions to Excluded Activities. The exclusion provisions of subsection (1)(E) of this rule notwithstanding, this rule shall apply to any construction, reconstruction, alteration or modification which—

1. Is expressly required by an operating permit; or

2. Is subject to federally-mandated construction permitting requirements set forth in sections (7), (8) or (9), or any combination of these, of this rule.]

(7) Nonattainment Area Permits.

(A) *[Exemptions. Installations and modifications which have the potential to emit one hundred (100) tons or more solely because fugitive emissions are]* **Solely for the purpose of determining applicability with section (7) of this rule, fugitive emissions shall not be** counted when calculating potential to emit *[are exempt from the requirements of this section]* **for construction and modification**, provided that the installations are not named in 10 CSR 10-6.020(3)(B), Table 2.

(B) A permit shall not be issued for the construction *[or major modification of an installation with the potential to emit the nonattainment pollutant in amounts equal to or greater than the de minimis levels; for an installation or modification with the potential to emit one hundred (100) tons or more or other nonattainment pollutants; or for a major modification of an installation with the potential to emit one hundred (100) tons or more of the nonattainment pollutant]* **of a major operation for the nonattainment pollutants, or for a major modification for the nonattainment pollutant of an existing major operation**, unless the following requirements, in addition to section (6) are met:

1. By the time the source is to commence operation, sufficient *[offsetting emissions reductions have been]* **emissions offsets shall be** obtained*[, such that, the total allowable emission from existing sources in the nonattainment area, from new or modified sources which are not major emitting facilities, and from existing sources prior to the application for that permit to construct or modify represent annual incremental reductions in emissions of the nonattainment pollutant]* as *[are]* required to ensure **reasonable further progress toward** attainment of the applicable national ambient air quality standard *[by the applicable date]*;

2. In the case of a new or modified installation which is located in a zone (within the nonattainment area) identified by the administrator, in consultation with the Secretary of Housing and Urban Development, as a zone to which economic development should be targeted, emissions of that pollutant resulting from the proposed new or modified installation will not cause or contribute to emissions levels which exceed the allowance permitted for that pollutant for that zone from new or modified installations;

3. Offsets have been obtained in accordance with the offset and banking procedures in 10 CSR 10-6.410;

4. The administrator has not determined that the state implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified; *[and]*

5. Temporary installation and portable sources shall be exempt from this subsection provided that the source applies BACT for each pollutant emitted in a significant amount*[.]***;**

[(C) A permit for the construction or major modification of an installation with the potential to emit annually one hundred (100) tons or more of a nonattainment pollutant, or a permit for a modification with the potential to emit annually one hundred (100) tons or more of a nonattainment pollutant, shall not be issued unless the following requirements, in addition to section (6) of this rule, are met:]

*[1.]***6.** The applicant must provide documentation establishing that all installations in Missouri which are owned or operated by the applicant (or by any entity controlling, controlled by or under common control with the applicant) are subject to emission limitations and are in compliance, or are on a schedule for compliance, with all applicable requirements;

*[2.]***7.** The applicant shall document that the provisions in its application for the installation and operation of pollution control equipment or processes will meet the lowest achievable emission rate (LAER) for the nonattainment pollutant. Temporary installations and portable equipment shall be exempt from LAER, provided the installation applies BACT for each pollutant emitted in a significant amount;

*[3.]***8.** For phased construction projects, the determination of LAER shall be reviewed and modified as appropriate at the latest reasonable time prior to commencement of construction of each independent phase of construction;

*[4.]***9.** The applicant must provide an alternate site analysis; and

*[5.]***10.** The applicant shall provide an analysis of impairment to visibility in any Class I area (those designated in subsection (12)(I) of this rule) that would occur as a result of the installation or major modification and as a result of the general, commercial, residential, industrial and other growth associated with the installation or major modification.

(8) Attainment and Unclassified Area Permits.

(A) Applicability.

1. Applicants *[for permits]* for construction or major modification of installations which are in a category named in 10 CSR 10-6.020(3)(B), Table 2, **excluding category number 27,** and have the potential to emit one hundred (100) tons or more of any pollutant shall adhere to the requirements of this section, in addition to the requirements of section (6) of this rule.

[2. Applicants for permits for construction or modification with the potential to emit one hundred (100) tons or more of any pollutant at an installation in a category named in 10 CSR 10-6.020(3)(B), Table 2 shall comply with the requirements of this section, in addition to the requirements of section (6) of this rule.]

*[3.]***2.** Applicants *[for permits]* for construction or major modification of installations with the potential to emit two hundred and fifty (250) tons or more of any pollutant shall comply with the requirements of this section, in addition to the requirements of section (6); unless the potential to emit would be less than two hundred and fifty (250) tons if fugitive emissions were not counted in calculating the potential to emit and the installation is not in a category named in 10 CSR 10-6.020(3)(B), Table 2.

[4. Applicants for permits for construction or modification with the potential to emit two hundred and fifty (250) tons or more of any pollutant shall comply with the requirements of this section, in addition to the requirements of section (6), unless the potential to emit would be less than two hundred and fifty (250) tons if fugitive emissions were not counted in calculating the potential to emit and the installation is not in a category named in 10 CSR 10-6.020(3)(B), Table 2.]

3. Applicants in the St. Louis Metropolitan Ozone Maintenance Area for construction of major operations of VOC or oxides of nitrogen or for the major modification of a major operation where the net emission increase exceeds forty (40) tons or more per year of VOC or oxides of nitrogen shall obtain offsets and shall adhere to the requirements of this section, in addition to the requirements of section (6) of this rule. These offsets shall be obtained in accordance with the offset and banking procedures in 10 CSR 10-6.410. By the time the source is to commence operation, sufficient emissions offsets shall be as required to maintain the applicable national ambient air quality standard by the applicable date. In the event that the contingency measures of the St. Louis Metropolitan Maintenance Plan are triggered, construction or major modification of a major operation of VOC

or oxides of nitrogen shall adhere to the requirements of subsections (7)(A)–(E) of this rule.

(C) Air Quality Impacts.

1. Preapplication modeling and monitoring.

A. Each application shall contain an analysis of ambient air quality or ambient concentrations in the significantly impacted area of the installation for each pollutant specified in 10 CSR 10-6.020(3)(A), Table 1, which the installation would emit in significant amounts. The analysis shall follow the guidelines of subsection (12)(F).

B. The analysis required under this paragraph shall include continuous air quality monitoring data for any pollutant, except VOC, emitted by the installation, for which an ambient air quality standard exists. The owner or operator of a proposed installation or major modification emitting VOC who satisfies all the conditions of 40 CFR part 51, Appendix S, section IV.A. may provide post-construction monitoring data for ozone in lieu of providing preconstruction data for ozone.

C. The continuous air monitoring data required in this paragraph shall relate to, and shall have been gathered over, a period of one (1) year and shall be representative of the year preceding receipt of the complete application, unless the permitting authority determines that a complete and adequate analysis may be accomplished in a shorter period (but not less than four (4) months). Continuous, as used in this subparagraph, refers to frequency of monitoring operation as required by 40 CFR part 58, Appendix B.

D. For pollutants emitted in a significant amount for which no ambient air quality standards exist, the analysis required under this paragraph shall contain whatever air quality monitoring data the permitting authority determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

2. Operation of monitoring stations. The owner or operator shall meet the requirements of 40 CFR part 58, Appendix B during the operation of monitoring stations for the purposes of paragraphs (8)(C)1. or 7. of this rule at the time the station is put into operation.

3. Modeling. The owner or operator of the installation to which this section applies shall provide modeling data, following the requirements of subsection (12)(F), to demonstrate that potential and secondary emission increases from the installation, in conjunction with all other applicable emissions increases or reductions in the baseline area since the baseline date, will not cause or contribute to ambient air concentrations in excess of any ambient air quality standard or any applicable maximum allowable increase over the baseline concentration in any area, in the amounts listed in subsection (11)(A), Table 1 of this rule. The permitting authority will track the consumption of allowable increment in accordance with subsection (12)(G) of this rule.

4. Emission reductions. The applicant must show that it has obtained emission reductions of a comparable air quality impact for the nonattainment pollutant if its planned emissions of the pollutant will affect a nonattainment area in excess of the air quality impact for that pollutant listed in subsection (11)(D), Table 4 of this rule. These reductions shall be obtained through binding agreement prior to the commencement of operations of the installation or major modification and shall be subject to the offset conditions set forth in 10 CSR 10-6.410.

5. Impact on visibility. The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the installation or major modification and general commercial, residential, industrial and other growth associated with the installation or major modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

6. Projected air quality impacts. The owner or operator shall provide, following the requirements of subsection (12)(F), Appendix F of this rule, an analysis of the air quality impact projected for the area as a result of general commercial, residential and industrial growth, as well as growth associated with the installation or major modification.

7. Post-construction monitoring. After construction of the installation or major modification, the applicant shall conduct ambient monitoring as the permitting authority determines may be necessary to determine the effect emissions from the installation or major modification may have, or are having, on air quality in any area.

8. Exemptions.

A. The requirements of subsection (8)(C) shall not apply unless otherwise determined to be needed by the permitting authority, if—

(I) The increase in potential emissions of that pollutant from the installation would impact no Class I area and no area where an applicable increment is known to be violated; and

(II) The duration of the emissions of the pollutant will not exceed two (2) years.

B. The requirements of subsection (8)(C) as they relate to any maximum allowable increase for a Class II area shall not apply unless otherwise determined to be needed by the permitting authority, if—

(I) The application is for a major modification of an installation which was in existence on March 1, 1978;

(II) Any such increase would cause or contribute to no exceedance of any ambient air quality standard; and

(III) The new increase in allowable emissions of each air pollutant after the application of BACT would be less than fifty (50) tons per year.

C. The requirements of subsection (8)(C) shall not apply, if the ambient air quality effect is less than the air quality impact of subsection (11) *[(B), Table 2]* **(D) Table 4**, or if the pollutant is not listed in subsection (11) *[(B), Table 2]* **(D) Table 4**, unless otherwise determined to be needed by the permitting authority. The ambient air quality impact must be determined using either of the following methods:

(I) The screening technique set forth in Guidelines for Air Quality Maintenance and Planning Analysis Vol. III (Revised); Procedures for Evaluating Air Quality Impact of New Stationary Sources (United States EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711); or

(II) A more sophisticated modeling technique as indicated in subsection (12)(F).

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed March 5, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 29, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 400, 301 W. High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00

p.m., June 5, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED RULE

10 CSR 10-6.061 Construction Permit Exemptions. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: This rule lists specific construction or modification projects that are not required to obtain permits to construct under 10 CSR 10-6.060. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the February 20, 2002 Recommendations from the "Managing For Results" presentation, the Air Program Advisory Forum 2001 and 2002 Recommendations and a January 28, 2003 memorandum to the department's Air Pollution Control Program recommending exemption language changes.

(1) Applicability. This rule shall apply to all installations in Missouri.

(2) Definitions. Definitions for certain terms specified in this rule may be found in 10 CSR 10-6.020.

(3) General Provisions. The following construction or modifications are not required to obtain a permit under 10 CSR 10-6.060:

(A) Exempt Emission Units.

1. The following combustion equipment is exempt from 10 CSR 10-6.060 if the equipment emits only combustion products, and the equipment produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Any combustion equipment using exclusively natural gas or liquefied petroleum gas or any combination of these with a capacity of less than ten (10) million British thermal units (Btus) per hour heat input;

B. Any combustion equipment with a capacity of less than one (1) million Btus per hour heat input;

C. Drying or heat treating ovens with less than ten (10) million Btus per hour capacity provided the oven does not emit pollutants other than the combustion products and the oven is fired exclusively by natural gas, liquefied petroleum gas, or any combination thereof; and

D. Any oven with a total production of yeast leavened bakery products of less than ten thousand (10,000) pounds per operating day heated either electrically or exclusively by natural gas firing with a maximum capacity of less than ten (10) million Btus per hour.

2. The following establishments, systems, equipment and operations are exempt from 10 CSR 10-6.060:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt unless the incinerator operations are exempt under another section of this rule;

B. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

C. Equipment used for any mode of transportation;

D. Any operation associated with livestock that emits odors but no regulated air pollutant;

E. Any grain handling, storage and drying facility which—

(I) Is in noncommercial use only (used only to handle, dry or store grain produced by the owner if)—

(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;

(b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and

(c) The facility is located at least five hundred feet (500') from any recreational area, residence or business not occupied or used solely by the owner;

(II) Is in commercial use and the total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels; or

(III) The installation of additional grain storage capacity in which there is no increase in hourly grain handling capacity and existing grain receiving and loadout equipment are utilized;

F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

G. Any wet sand and gravel production facility that obtains its material from subterranean and subaqueous beds where the deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone and whose maximum production rate is less than five hundred (500) tons per hour. All permanent in-plant roads shall be paved and cleaned, or watered, or properly treated with dust-suppressant chemicals as necessary to achieve good engineering control of dust emissions. Only natural gas shall be used as a fuel when drying;

H. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;

I. Equipment or control equipment which eliminates all emissions to the ambient air;

J. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;

K. Residential wood heaters, cookstoves or fireplaces;

L. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants;

M. Recreational fireplaces;

N. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

O. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized as authorized in section 269.020.6, RSMo 2000;

P. The following miscellaneous activities:

(I) Use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction. This exemption is solely for office equipment that is not part of the manufacturing or production process at the installation;

(II) Tobacco smoking rooms and areas;

(III) Hand-held applicator equipment for hot melt adhesives with no volatile organic compound (VOC) in the adhesive formula;

(IV) Paper trimmers and binders;

(V) Blacksmith forges, drop hammers, and hydraulic presses;

(VI) Hydraulic and hydrostatic testing equipment; and

(VII) Environmental chambers, shock chambers, humidity chambers, and solar simulators provided no hazardous air pollutants are emitted by the process;

Q. The following internal combustion engines:

(I) Portable electrical generators that can be moved by hand without the assistance of any motorized or non-motorized vehicle, conveyance or device;

(II) Spark ignition or diesel fired internal combustion engines used in conjunction with pumps, compressors, pile drivers, welding, cranes, and wood chippers or internal combustion engines or gas turbines of less than two-hundred fifty (250) horsepower rating; and

(III) Laboratory engines used in research, testing, or teaching;

R. The following quarries, mineral processing, and biomass facilities:

(I) Drilling or blasting activities;

(II) Concrete or aggregate product mixers or pug mills with a maximum rated capacity of less than fifteen (15) cubic yards per hour;

(III) Rip Rap production processes consisting only of a grizzly feeder, conveyors, and storage, not including additional hauling activities associated with Rip Rap production;

(IV) Sources at biomass recycling, composting, landfill, publicly owned treatment works (POTW), or related facilities specializing in the operation of, but not limited to tub grinders powered by a motor with a maximum output rating of ten (10) horsepower, hoggers and shredders and similar equipment powered by a motor with a maximum output rating of twenty-five (25) horsepower, and other sources at such facilities with a total throughput less than five hundred (500) tons per year; and

(V) Landfarming of soils contaminated only with petroleum fuel products where the farming beds are located a minimum of three hundred feet (300') from the property boundary;

S. The following kilns and ovens:

(I) Kilns with a firing capacity of less than ten (10) million Btus per hour used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity, or any combination thereof; and

(II) Electric ovens or kilns used exclusively for curing or heat-treating provided no Hazardous Air Pollutants (HAPs) or VOCs are emitted;

T. The following food and agricultural equipment:

(I) Any equipment used in agricultural operations to grow crops;

(II) Equipment used exclusively to slaughter animals. This exemption does not apply to other slaughterhouse equipment such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;

(III) Commercial smokehouses or barbecue units in which the maximum horizontal inside cross-sectional area does not exceed twenty (20) square feet;

(IV) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices or coffee;

(V) Equipment with the potential to dry, mill, blend, grind, or package less than one thousand (1,000) pounds per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch;

(VI) Equipment with the potential to convey, transfer, clean, or separate less than one thousand (1,000) tons per year of dry food products or waste from food production operations;

(VII) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere or which have the potential to handle less than one thousand (1,000) tons per year;

(VIII) Coffee, cocoa, and nut roasters with a roasting capacity of less than fifteen (15) pounds of beans or nuts per hour, and any stoners or coolers operated with these roasters;

(IX) Containers, reservoirs, tanks, or loading equipment used exclusively for the storage or loading of beer, wine, or other alcoholic beverages;

(X) Brewing operations at facilities with the potential to produce less than three (3) million gallons of beer per year; and

(XI) Fruit sulfuring operations at facilities with the potential to produce less than ten (10) tons per year of sulfured fruits and vegetables;

U. Batch solvent recycling equipment provided the recovered solvent is used primarily on site, the maximum heat input is less than one (1) million Btus per hour, the batch capacity is less than one hundred fifty (150) gallons, and there are no solvent vapor leaks from the equipment which exceed five hundred (500) parts per million;

V. The following surface coating and printing operations:

(I) Batch mixing of inks, coatings, or paints. This exemption does not apply to ink, coatings, or paint manufacturing facilities;

(II) Any powder coating operation, or radiation cured coating operation where ultraviolet or electron beam energy is used to initiate a reaction to form a polymer network;

(III) Any surface-coating source that employs solely non-refillable handheld aerosol cans; and

(IV) Surface coating operations utilizing powder coating materials with the powder applied by an electrostatic powder spray gun or an electrostatic fluidized bed;

W. The following metal working and handling equipment:

(I) Carbon dioxide (CO_2) lasers, used only on metals and other materials that do not emit a HAP or VOC in the process;

(II) Laser trimmers equipped with dust collection attachments;

(III) Equipment used for pressing or storing sawdust, wood chips, or wood shavings;

(IV) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form provided the solution contains less than one percent (1%) VOC by weight;

(V) Tumblers used for cleaning or deburring metal products without abrasive blasting;

(VI) Batch mixers with a rated capacity of fifty-five (55) gallons or less provided the process will not emit hazardous air pollutants;

(VII) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives provided the process will not emit hazardous air pollutants;

(VIII) Equipment used exclusively for the packaging of lubricants or greases;

(IX) Platen presses used for laminating provided the process will not emit hazardous air pollutants;

(X) Roll mills or calendars for rubber or plastics provided the process will not emit hazardous air pollutants;

(XI) Equipment used exclusively for the melting and applying of wax containing less than one percent (1%) VOC by weight;

(XII) Equipment used exclusively for the conveying and storing of plastic pellets; and

(XIII) Solid waste transfer stations that receive or load out less than fifty (50) tons per day of nonhazardous solid waste;

X. The following liquid storage and loading equipment:

(I) Storage tanks and vessels having a capacity of less than five hundred (500) gallons; and

(II) Tanks, vessels, and pumping equipment used exclusively for the storage and dispensing of any aqueous solution which contains less than one percent (1%) by weight of organic compounds. Tanks and vessels storing the following materials are not exempt:

(a) Sulfuric or phosphoric acid with an acid strength of more than ninety-nine percent (99.0%) by weight;

(b) Nitric acid with an acid strength of more than seventy percent (70.0%) by weight;

(c) Hydrochloric or hydrofluoric acid with an acid strength of more than thirty percent (30.0%) by weight; or

(d) More than one liquid phase, where the top phase contains more than one percent (1%) VOC by weight;

Y. The following chemical processing equipment or operations:

(I) Storage tanks, reservoirs, pumping, and handling equipment, and mixing and packaging equipment containing or processing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized; and

(II) Batch loading and unloading of solid phase catalysts;

Z. Body repair and refinishing of motorcycle, passenger car, van, light truck and heavy truck and other vehicle body parts, bodies, and cabs, provided—

(I) Good housekeeping is practiced; spills are cleaned up as soon as possible, equipment is maintained according to manufacturers' instructions, and property is kept clean. In addition, all waste coatings, solvents, and spent automotive fluids including, but not limited to, fuels, engine oil, gear oil, transmission fluid, brake fluid, anti-freeze, fresh or waste fuels, and spray booth filters or water wash sludge are disposed of properly. Prior to disposal, all liquid waste shall be stored in covered containers. All solvents and cleaning materials shall be stored in closed containers;

(II) All spray coating operations shall be performed in a totally enclosed filtered spray booth or totally enclosed filtered spray area with an air intake area of less than one hundred (100) square feet. All spray areas shall be equipped with a fan which shall be operated during spraying, and the exhaust air shall either be vented through a stack to the atmosphere or the air shall be recirculated back into the shop through a carbon adsorption system. All carbon adsorption systems shall be properly maintained according to the manufacturer's operating instructions, and the carbon shall be replaced at the manufacturer's recommended intervals to minimize solvent emissions; and

(III) Spray booth, spray area, and preparation area stacks shall be located at least eighty feet (80') away from any residence, recreation area, church, school, child care facility, or medical or dental facility;

AA. Sawmills processing no more than twenty-five (25) million board feet, green lumber tally of wood per year, in which no mechanical drying of lumber is performed, in which fine particle emissions are controlled through the use of properly engineered baghouses or cyclones, and which meet all of the following provisions:

(I) The mill shall be located at least five hundred feet (500') from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the installation is located;

(II) All sawmill residues (sawdust, shavings, chips, bark) from debarking, planing, saw areas, etc., shall be removed or contained to minimize fugitive particulate emissions. Spillage of wood residues shall be cleaned up as soon as possible and contained such that dust emissions from wind erosion and/or vehicle traffic are minimized. Disposal of collected sawmill residues must be accomplished in a manner that minimizes residues becoming airborne. Disposal by means of burning is prohibited unless it is conducted in a permitted incinerator; and

(III) All open-bodied vehicles transporting sawmill residues (sawdust, shavings, chips, bark) shall be covered with a tarp to achieve maximum control of particulate emissions;

BB. Internal combustion engines and gas turbine driven compressors, electric generator sets, and water pumps, used only for portable or emergency services, provided that the maximum annual operating hours shall not exceed five hundred (500) hours. Emergency generators are exempt only if their sole function is to provide back-up power when electric power from the local utility is interrupted. This exemption only applies if the emergency generators are operated only during emergency situations and for short periods of time to perform maintenance and operational readiness testing. The emergency generator shall be equipped with a non-resettable meter; and

CC. Commercial dry cleaners.

3. At installations, previously issued a permit under 10 CSR 10-6.060, construction or modification are exempt from 10 CSR 10-6.060 if they meet the requirements of subparagraphs (3)(A)3.A. or (3)(A)3.B. of this rule for criteria pollutants, except lead, and subparagraph (3)(A)3.C. for hazardous air pollutants. The director may require review of construction or modifications otherwise exempt under subparagraphs (3)(A)3.A., (3)(A)3.B., or (3)(A)3.C. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. For proposed construction or modification located less than five hundred feet (500') from the property boundary, at maximum design capacity the proposed construction or modification shall emit each criteria pollutant at a rate of no more than one-half (0.5) pounds per hour. For proposed construction or modification located more than five hundred feet (500') from the property boundary, at a maximum design capacity the proposed construction or modification shall emit no more than 0.91 pounds per hour.

B. Actual emissions of each criteria pollutant will be no more than eight hundred seventy-six (876) pounds per year.

C. At maximum design capacity, the proposed construction or modification will emit a hazardous air pollutant at a rate of no more than one-half (0.5) pounds per hour, or the hazardous emission threshold as established in subsection (12)(J) of 10 CSR 10-6.060, whichever is less.

(B) Excluded Activities. 10 CSR 10-6.060 does not apply to—

1. Routine maintenance, parts replacement or relocation of emission units within the same installation which do not involve either any appreciable change either in the quality or nature, or any increase in either the potential to emit or the effect on air quality, of the emissions of any air contaminant. Some examples are as follows:

A. Replacing the bags in a baghouse;

B. Replacing wires, plates, rappers, controls or electric circuitry in an electrostatic precipitator which does not measurably decrease the design efficiency of the unit;

C. Replacement of fans, pumps or motors which does not alter the operation of a source or performance of a control device;

D. Replacement of boiler tubes;

E. Replacement of piping, hoods, and ductwork; and

F. Replacement of engines, compressors or turbines as part of a normal maintenance program;

2. Changes in a process or process equipment which do not involve installing, constructing or reconstructing an emissions unit or associated air cleaning devices, and that do not involve either any appreciable change either in the quality or nature, or any increase in either the potential to emit or the effect on air quality of the emissions of any air contaminant. Some examples are as follows:

A. Change in supplier or formulation of similar raw materials, fuels, paints and other coatings;

B. Change in the sequence of the process;

C. Change in the method of raw material addition;

D. Change in the method of product packaging;

E. Change in the process operating parameters;

F. Replacement of an identical or more efficient cyclone precleaner which is used as a precleaner in a fabric filter control system;

G. Installation of a floating roof on an open top petroleum storage tank;

H. Replacement of a fuel burner in a boiler with a more thermally efficient burner;

I. Lengthening a paint drying oven to provide additional curing time; and

J. Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment;

3. Replacement of like-kind emission units that do not involve either any appreciable change either in the quality or nature, or any increase either in the potential to emit or the effect on air quality, of the emissions of any air contaminant;

4. The exempt activities in paragraphs (3)(B)1.–3. of this rule reflect a presumption that existing emission units which are changed or replaced by like-kind units shall be treated as having begun normal operation for purposes of the definition of actual emissions in 10 CSR 10-6.020;

5. The following miscellaneous activities:

A. Plant maintenance, and upkeep activities such as routine cleaning, janitorial services, use of janitorial products, grounds keeping, general repairs, architectural or maintenance painting, welding repairs, plumbing, roof repair, installing insulation, using air compressors and pneumatically operated equipment, and paving parking lots, provided these activities are not conducted as part of the installation's primary business activity;

B. Batteries and battery charging stations;

C. Fire suppression equipment and emergency road flares;

D. Laundry activities, except dry-cleaning and steam boilers; and

E. Steam emissions from leaks, safety relief valves, steam cleaning operations, and steam sterilizers; and

6. The following miscellaneous surface preparation and cleaning activities:

A. Equipment and containers used for surface preparation, cleaning, or stripping by use of solvents or solutions that meet all of the following:

(I) Solvent used must have an initial boiling point of greater than three hundred two degrees Fahrenheit (302°F), and this initial boiling point must exceed the maximum operating temperature by at least one hundred eighty degrees Fahrenheit (180°F);

(II) The equipment or container has a capacity of less than thirty-five (35) gallons of liquid. For remote reservoir cold cleaners, capacity is the volume of the remote reservoir;

(III) The equipment or container has a liquid surface area less than seven (7) square feet, or for remote reservoir cold cleaners, the sink or working area has a horizontal surface less than seven (7) square feet;

(IV) Solvent flow must be limited to a continuous fluid stream type arrangement. Fine, atomized, or shower type sprays are not exempt; and

(V) All lids and closures are properly employed;

B. The exclusion in subparagraph (3)(B)6.A. of this rule does not apply to solvent wipe cleaning operations;

C. Abrasive blasting sources that have a confined volume of less than one hundred (100) cubic feet and are controlled by a particulate filter;

D. Blast cleaning equipment using a suspension of abrasive in water;

E. Portable blast cleaning equipment for use at any single location for less than sixty (60) days; and

F. Any solvent cleaning or surface preparation source that employs only non-refillable handheld aerosol cans.

(C) Exceptions to Excluded Activities. The exclusion provisions of subsection (3)(B) of this rule notwithstanding, 10 CSR 10-6.060 shall apply to any construction, reconstruction, alteration or modification which—

1. Is expressly required by an operating permit; or

2. Is subject to federally-mandated construction permitting requirements set forth in sections (7), (8), or (9), or any combination of these, of 10 CSR 10-6.060.

(4) Reporting and Record Keeping. (*Not Applicable*)

(5) Test Methods. (*Not Applicable*)

AUTHORITY: section 643.050, RSMo 2000. Original rule filed March 5, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., May 29, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 400, 301 W. High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 5, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED RULE

10 CSR 10-6.062 Construction Permits By Rule. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. This evidence supporting the need for this rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: This rule creates a process by which sources can be exempt from 10 CSR 10-6.060 Construction Permits Required, by establishing conditions under which specific sources can construct and operate. It establishes notification requirements and standard review fees. It has been determined that these sources will not make a significant contribution of air contaminants to the atmosphere. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the February 20, 2002 Recommendations from the "Managing For Results" presentation and the Air Program Advisory Forum 2001 and 2002 Recommendations.

(1) Applicability. This rule shall apply to certain types of facilities or changes within facilities listed in this rule where construction is commenced on or after the effective date of the relevant permit-by-rule. To qualify for a permit-by-rule, the following general requirements must be met:

(A) Any installation undergoing activities that would otherwise be subject to section (7), (8), or (9) of 10 CSR 10-6.060 does not qualify for permit-by-rule under this regulation. Installations accepting the permit-by-rule emission limitations can use those limitations to determine whether the installation is subject to section (7), (8), or (9) of 10 CSR 10-6.060;

(B) The installation is not prohibited from permit-by-rule by permit conditions, by settlement agreements or by official notification from the director;

(C) All emission control equipment associated with the permit-by-rule shall be maintained and operated in accordance with the equipment specifications of the manufacturer;

(D) Obtaining a permit-by-rule under this regulation does not exempt an installation from other applicable air pollution regulations or any local air pollution control agency requirements; and

(E) The director may require an air quality analysis in addition to the general requirements listed in subsection (3)(B) of this rule if it is likely that the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are being appreciably exceeded or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

(2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Registration. To qualify for a permit-by-rule, the owner or operator must notify the Missouri Department of Natural Resources' Air Pollution Control Program prior to commencement of construction. This notification will establish the permit-by-rule and become the conditions under which the facility is permitted. All representations made in the notification regarding construction plans, operating procedures, and maximum emission rates shall become conditions upon which the facility shall construct or modify. If the conditions, as represented in the notification, vary in a manner that will change the method of emission controls, the character of the emissions, or will result in an increase of emissions, a new notification or permit application must be prepared and submitted to the department's Air Pollution Control Program.

1. The director shall provide a form by which sources can submit their notifications. The notification shall include documentation of the basis of emission estimates or activity rates and be signed by a responsible official certifying that the information contained in the notification is true, accurate, and complete. The expected first date of operation shall be included in the notification. Upon notification, the source may begin construction and operation of the new source.

2. The notification shall be sent to the department's Air Pollution Control Program. Two (2) copies of the original notification shall be made. One (1) shall be sent to the appropriate regional office, and one (1) shall be maintained on-site and be provided immediately upon request by inspectors.

3. Fees. A review fee of seven hundred dollars ($700) shall accompany the notification sent to the department's Air Pollution Control Program.

4. Upon completion of an initial on-site compliance review, the permit-by-rule notification shall be approved.

(B) Permit-by-Rule.

1. Printing operations. Any printing operation (including, but not limited to, screen printers, ink-jet printers, presses using electron beam or ultraviolet light curing, and labeling operations) and supporting equipment (including, but not limited to, corona treaters, curing lamps, preparation, and cleaning equipment) which operate in compliance with the following conditions is permitted under this rule:

A. The uncontrolled emission of volatile organic compounds (VOCs) from inks and solvents (including, but not limited to, those used for printing, cleanup, or makeup) shall not exceed forty (40) tons per year rolling average for all printing operations on the property. The emissions shall be calculated using a material balance that assumes that all of the VOCs in the inks and solvents used are directly emitted to the atmosphere;

B. The uncontrolled emission of hazardous air pollutants shall not exceed ten (10) tons per year rolling average for all printing operations on the property. The emissions shall be calculated using a material balance that assumes that all hazardous air pollutants used are directly emitted to the atmosphere;

C. Copying and duplicating equipment employing the xerographic method are exempt from subparagraphs (3)(B)1.D–G. of this rule;

D. Printing presses covered by this section shall not utilize heat set, thermo set, or oven-dried inks. Heated air may be used to shorten drying time, provided the temperature does not exceed one hundred ninety-four degrees Fahrenheit (194°F);

E. Screen printing operations requiring temperatures greater than one hundred ninety-four degrees Fahrenheit (194°F) to set the ink are exempt from subparagraph (3)(B)1.D. of this rule;

F. The facility shall not be located in an ozone nonattainment area; and

G. Record keeping. The operator shall maintain records of ink and solvent usage shall be kept in sufficient detail to show compliance with subparagraphs (3)(B)1.A. and 1.B. of this rule.

2. Crematories and animal incinerators. Any crematory or animal incinerator that is used solely for the cremation of human remains, disposal of human pathological wastes, or animal carcasses and operates in compliance with the following conditions is permitted under this rule:

A. The materials to be disposed of shall be limited to noninfectious human materials removed during surgery, labor and delivery, autopsy, or biopsy including body parts, tissues and fetuses, organs, bulk blood and body fluids, blood or tissue laboratory specimens; and other noninfectious anatomical remains or animal carcasses in whole or in part. The owner or operator shall minimize the amount of packaging fed to the incinerator, particularly plastic containing chlorine. The incinerators shall not be used to dispose of other nonbiological medical wastes including, but not limited to, sharps, rubber gloves, intravenous bags, tubing, and metal parts;

B. The manufacturer's rated capacity (burn rate) shall be two hundred (200) pounds per hour or less;

C. The incinerator shall be a dual-chamber design;

D. Burners shall be located in each chamber, sized to manufacturer's specifications, and operated as necessary to maintain the minimum temperature requirements of subparagraph (3)(B)2.E. of this rule at all times when the unit is burning waste;

E. Excluding crematories, the secondary chamber must be designed to maintain a temperature of one thousand six hundred degrees Fahrenheit (1,600°F) or more with a gas residence time of one-half (1/2) second or more. The temperature shall be monitored with equipment that is accurate to plus or minus two percent ($\pm 2\%$) and continuously recorded. The thermocouples or radiation pyrometers shall be fitted to the incinerator and wired into a manual reset noise alarm such that if the temperature in either of the two (2) chambers falls below the minimum temperature above, the alarm will sound at which time plant personnel shall take immediate measures to either correct the problem or cease operation of the incinerator until the problem is corrected;

F. There shall be no obstructions to stack flow, such as by rain caps, unless such devices are designed to automatically open when the incinerator is operated. Properly installed and maintained spark arresters are not considered obstruction;

G. Each incinerator operator shall be trained in the incinerator operating procedures as developed by the American Society of Mechanical Engineers (ASME), by the incinerator manufacturer, or by a trained individual with more than one (1) year experience in the operation of the incinerator that the trainee will be operating. Minimum training shall include basic combustion control parameters of the incinerator and all emergency procedures to be followed should the incinerator malfunction or exceed operating parameters. An operator who meets the training requirements of this condition shall be on duty and immediately accessible during all periods of incinerator operation. The manufacturer's operating instructions and guidelines shall be posted at the unit and the unit shall be operated in accordance with these instructions;

H. The incinerator shall have an opacity of less than ten percent (10%) at all times;

I. Heat shall be provided by the combustion of natural gas, liquid petroleum gas, or Number 2 fuel oil with less than three-tenths percent (0.3%) sulfur by weight, or by electric power; and

J. Record keeping. The operator shall maintain a log of all alarm trips and the resultant action taken shall be maintained. A written certification of the appropriate training received by the operator, with the date of training, that includes a list of the instructor's qualifications or ASME certification school shall be maintained for each operator. The operator shall also maintain an accurate record of the monthly amount and type of waste combusted.

3. Surface coating. Any surface coating activity or stripping facility that operates in compliance with the following conditions is permitted under this rule:

A. Metalizing, spraying molten metal onto a surface to form a coating, is not permitted under this permit-by-rule. The use of coatings that contain metallic pigments is permitted;

B. All facilities shall implement good housekeeping procedures to minimize fugitive emissions, including:

(I) All spills shall be cleaned up immediately;

(II) The booth or work area exhaust fans shall be operating when cleaning spray guns and other equipment; and

(III) All new and used coatings and solvents shall be stored in closed containers. All waste coatings and solvents shall be removed from the site by an authorized disposal service or disposed of at a permitted on-site waste management facility;

C. Drying and curing ovens shall either be electric or meet the following conditions:

(I) The maximum heat input to any oven must not exceed forty (40) million British thermal units (Btus) per hour; and

(II) Heat shall be provided by the combustion of one of the following: sweet natural gas; liquid petroleum gas; fuel gas containing no more than five (5.0) grains of total sulfur compounds (calculated as sulfur) per one hundred (100) dry standard cubic foot; or Number 2 fuel oil with not more than three-tenths percent (0.3%) sulfur by weight;

D. The emissions shall be calculated using a material balance that assumes that all of the VOCs and hazardous air pollutants in the paints and solvents used are directly emitted to the atmosphere. The total uncontrolled emissions from the coating materials (as applied) and cleanup solvents shall not exceed the following for all operations:

(I) Forty (40) tons per year rolling average of VOCs for all surface coating operations on the property;

(II) A sum of twenty-five (25) tons per year rolling average of all hazardous air pollutants for all surface coating operations on the property; and

(III) Each individual hazardous air pollutant shall not exceed the emission threshold levels established in 10 CSR 10-6.060(12)(J) on an annual rolling average basis;

E. The surface coating operations shall be performed indoors, in a booth, or in an enclosed work area. The booth shall be designed to meet a minimum face velocity at the intake opening of each booth or work area of one hundred feet (100') per minute. Emissions shall be exhausted through elevated stacks that extend at least one and one-half (1 1/2") times the building height above ground level. All stacks shall discharge vertically. There shall be no obstructions to stack flow, such as rain caps, unless such services are designed to automatically open when booths are operated;

F. For spraying operations, emissions of particulate matter must be controlled using either a water wash system or a dry filter system with a ninety-five percent (95%) removal efficiency as documented by the manufacturer. The face velocity at the filter shall not exceed two hundred fifty feet (250') per minute or that specified by the filter manufacturer, whichever is less. Filters shall be replaced according to the manufacturer's schedule or whenever the pressure drop across the filter no longer meets the manufacturer's recommendation;

G. Coating operations shall be conducted at least fifty feet (50') from the property line and at least two hundred fifty feet (250') from any recreational area, residence, or other structure not occupied or used solely by the owner or operator of the facility or the owner of the property upon which the facility is located; and

H. Record keeping. The operator shall maintain the following records and reports:

(I) All material safety data sheets for all coating materials and solvents;

(II) A monthly report indicating the days the surface coating operation was in operation and the total tons emitted during the month, and the calculation showing compliance with the rolling average emission limits of subparagraph (3)(B)3.D. of this rule;

(III) A set of example calculations showing the method of data reduction including units, conversion factors, assumptions, and the basis of the assumptions; and

(IV) These reports and records shall be immediately available for inspection at the installation.

(4) Reporting and Record Keeping. In addition to the original notification required by paragraph (3)(A)2. of this rule, operators shall maintain records containing sufficient information to demonstrate compliance with all applicable permit-by-rule requirements as specified in subsection (3)(B) of this rule. These records shall be maintained at the installation for a minimum of five (5) years, and shall be made immediately available to inspectors upon their request.

(5) Test Methods (*Not Applicable*).

AUTHORITY: section 643.050, RSMo 2000. Original rule filed March 5, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., May 29, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 400, 301 W. High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should

be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 5, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.065 Operating Permits. The commission proposes to amend subsection (3)(C). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: This amendment exempts certain portable equipment installations from basic operating permits requirements as part of the governor's permit streamlining efforts. Failure to adopt these amendments will allow duplicative permit requirements to continue drawing on the resources of portable equipment installations and the Missouri Department of Natural Resources' Air Pollution Control Program. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a rule comment form from operating permit section staff, a September 17, 2002 memorandum to the Missouri Air Conservation recommending a variance for portable sources from basic operating permit requirements and a January 28, 2003 memorandum to the department's Air Pollution Control Progam recommending exemption language changes.

(3) Applicability.

(C) Exempt Installations and Emission Units. The following installations and emission units are exempt from the requirements of this rule unless such units are part 70 **or intermediate** installations or are located at part 70 **or intermediate** installations. Emissions from exempt installations and emission units shall be considered when determining if the installation is a part 70 **or intermediate** installation:

1. Any installation that would be required to obtain a permit solely because it is subject to 10 CSR 10-6.070(7)(AAA) Standards of Performance for New Residential Wood Heaters;

2. Any installation that would be required to obtain a permit solely because it is subject to 10 CSR 10-6.240 or 10 CSR 10-6.250;

3. Single or multiple family dwelling units for not more than three (3) families;

4. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

5. Equipment used for any mode of transportation;

6. *[Livestock and livestock handling systems from which the only potential air contaminants is odorous gas]* **Any operation associated with livestock that emits odors but no regulated air pollutant**;

7. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

8. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;

9. Equipment or control equipment which eliminates all emissions to the ambient air;

10. Equipment**,** *[(other than anaerobic lagoons) or control equipment which]* **including air pollution control equipment, but not including an anaerobic lagoon, that** emits odors *[unless this equipment or control equipment also emits other]* **but no** regulated air pollutants;

11. Residential wood heaters, cookstoves or fireplaces;

12. Laboratory equipment used exclusively for chemical and physical analysis or experimentation is exempt, except equipment used for controlling radioactive air contaminants;

13. Recreational fireplaces;

14. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

15. Combustion equipment that—

A. Emits only combustion products;

B. Produces less than one hundred fifty (150) pounds per day of any air contaminant; and

C. Has a maximum rated capacity of—

(I) Less than ten (10) million British thermal units (Btus) per hour heat input by using exclusively natural or liquefied petroleum gas, or any combination of these; or

(II) Less than one (1) million Btus per hour heat input;

16. Office and commercial buildings, where emissions result solely from space heaters using natural gas or liquefied petroleum gas with a maximum rated capacity of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt;

17. Any country grain elevator that never handles more than one million two hundred thirty-eight thousand six hundred fifty-seven (1,238,657) bushels of grain during any twelve (12)-month period and is not located within an incorporated area with a population of fifty thousand (50,000) or more. A country grain elevator is defined as a grain elevator that receives more than fifty percent (50%) of its grain from producers in the immediate vicinity during the harvest season. This exemption does not include grain terminals which are defined as grain elevators that receive grain primarily from other grain elevators. To qualify for this exemption the owner or operator of the facility shall retain monthly records of grain origin and bushels of grain received, processed and stored for a minimum of five (5) years to verify the exemption requirements. Monthly records must be tabulated within seven (7) days of the end of the month. Tabulated monthly records shall be made available immediately to Missouri Department of Natural Resources representatives for an announced inspection or within three (3) hours for an unannounced visit; *[and]*

18. Sand and gravel operations that have a maximum capacity to produce less than seventeen and one-half (17.5) tons of product per hour and use only natural gas as fuel when drying; *[and]*

19. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized, as authorized in section 269.020.6, RSMo 2000*[.]***; and**

20. Any asphaltic concrete plant, concrete batching plant or rock quarry that can be classified as a portable equipment installation, as defined in 10 CSR 10-6.020.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Sept. 2, 1993, effective May 9, 1994. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed March 5, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 29, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 400, 301 W. High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 5, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 2—Definitions

PROPOSED AMENDMENT

10 CSR 60-2.015 Definitions. The commission is amending section (1) and subsections (2)(A), (2)(D), (2)(G), (2)(I), (2)(M), and (2)(P).

PURPOSE: This proposed amendment adopts definitions pertaining to EPA's Long Term 1 Enhanced Surface Water Treatment Rule and Arsenic Rule and amends other definitions for the purpose of clarifying text, correcting cross references, or promoting consistency with other rules.

(1) The terms used in 10 CSR 60 shall have the meanings *[as]* set forth in the Missouri Safe Drinking Water Act, the federal Safe Drinking Water Act and regulations, or this rule, unless the context of the term clearly requires otherwise. **In the event of any conflict or inconsistency, the more stringent definition shall apply.**

(2) Definitions.

(A) Terms beginning with the letter A.

1. Action level. The concentration of lead or copper in water which determines, in some cases, the treatment requirements, system modifications, public education or other requirements as specified by the department that a water system is required to complete.

2. Air-gap separation. A backflow prevention assembly consisting of a physical separation between the free-flowing discharge end of a public water system pipeline and an open or nonpressurized receiving vessel. An approved air-gap separation shall be at least twice the diameter of the system pipe measured vertically above the overflow rim of the vessel. In no case shall the distance be less than one inch (1").

3. Alpha particle. A particle identical with a helium nucleus, emitted from the nucleus of a radioactive element.

4. Applicant. The legal name of the *[water supply district, sewer district, rural community, city, town or village]* **public water system** for purposes of 10 CSR 60*[-13.010]*.

5. Auxiliary intake. Any piping, connection or device whereby water may be secured from a source other than the primary source.

6. Auxiliary water system. Any supply or source of water other than the approved public water system.

(D) Terms beginning with the letter D.

1. Department. The Missouri Department of Natural Resources.

2. Department of Health. The Missouri Department of Health.

3. Director. The director of the Missouri Department of Natural Resources.

4. Disinfectant. Includes, but is not limited to, chlorine, chlorine dioxide, chloramines and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

5. Disinfectant contact time. The "T" in the equation CT. The time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration (C) is measured as determined by a department-approved study as outlined in the *Missouri Guidance Manual for Surface Water System Treatment Requirements*, 1992.

6. Disinfection. A process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

7. Domestic or other nondistribution system plumbing problem. A coliform contamination problem in a public water system with more than one (1) service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

8. Dose equivalent. The product of the absorbed dose from ionizing radiation and factors that account for difference in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission of Radiological Units and Measurements (ICRU).

9. Double check valve assembly. A backflow prevention assembly composed of two (2) single, independently acting, internally spring loaded, approved check valves including tightly closing resilient-seated shut-off valves located at each end of the assembly and fitted with properly located test cocks.

(G) Terms beginning with the letter G.

1. GAC10. Granular activated carbon filter beds with an empty-bed contact time of ten (10) minutes based on average daily flow and a carbon reactivation frequency of every one-hundred-eighty (180) days.

2. Gross alpha particle activity. The total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

3. Gross beta particle activity. The total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

4. Groundwater under the direct influence of surface water (GWUDISW). Any water beneath the surface of the ground with either of the following:

A. Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the department. The department's determination of direct influence may be used on site specific measurements of water quality or documentation of well construction characteristics, or both, and geology with field evaluation; or

B. Significant occurrence of insects or other macroorganisms, algae or large diameter pathogens such as *Giardia lamblia* or *[, for systems using surface water or groundwater under the direct influence of surface water and serving at least 10,000 people,] Cryptosporidium*.

(I) Terms beginning with the letter I.

1. Initial Compliance Period.

[A.] That period beginning January 1, 1993, for existing sources. For new water supply sources, the first full three (3)-year

compliance period which begins no more than eighteen (18) months after the source is placed in service.

[B. For contaminants listed in 10 CSR 60-4.030(1)1., 5., 9., 13. and 18.; 10 CSR 60-4.040(1)3., 6., 7., 9., 10., 11., 12., 16., 19., 20., 23., 24., 27. and 29.; 10 CSR 60-4.100(1)(B)2., 10., and 11., for systems serving less than one hundred fifty (<150) service connections, that period beginning January 1, 1996, for existing sources, and for new sources, the first full three (3)-year compliance period after January 1, 1996, which begins no more than eighteen (18) months after the water supply source is placed in service.]

2. Iron removal. The removal of iron and manganese from a groundwater source with the treated water being exposed to aeration and chemical oxidation, pH adjustment, sedimentation and filtration.

(M) Terms beginning with the letter M.

1. Man-made beta particle and photon emitters. All radionuclides emitting beta particles, photons, or both, except the daughter products of thorium 232, uranium 235 and uranium 238, listed in *[Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air or Water for Occupational Exposure, National Bureau of Standards Handbook 69]* **the EPA Implementation Guidance for Radionuclides, Appendix J**.

2. Maximum contaminant level (MCL). The maximum permissible level, as established in 10 CSR 60-4, of a contaminant in any water which is delivered to any user of a public water system.

3. Maximum contaminant level goal (MCLG). A level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur and which allows an adequate margin of safety. MCLGs are nonenforceable health goals.

4. Maximum residual disinfectant level (MRDL). A level of a disinfectant that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects.

5. Maximum residual disinfectant level goal (MRDLG). The maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

6. Maximum total trihalomethane potential (MTTHMP). The maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after seven (7) days at a temperature of twenty-five degrees Celsius (25°C) or above.

7. Missouri Safe Drinking Water Law. The *Revised Statutes of Missouri*, sections 640.100 through 640.140.

(P) Terms beginning with the letter P.

1. Person. Any individual, partnership, co-partnership, firm, company, public or private corporation, association, homeowners' association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government, or any other legal entity whatever, which is recognized by law as the subject of rights and duties.

2. Picocurie (pCi). The quantity of radioactive material producing 2.22 nuclear transformations per minute.

3. Point of entry treatment device (POE). A treatment device applied to the drinking water entering a house or other building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

4. Point of use treatment device (POU). A treatment device applied to a single tap for the purpose of reducing contaminants in the drinking water at that tap.

[3.] **5.** Primary public water system. A public water system which obtains its source of water directly from a well, infiltration gallery, lake, reservoir, river, spring or stream.

[4.] **6.** Public water system. A system for the provision to the public of piped water for human consumption, if the system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. The system includes any collection, treatment, storage or distribution facilities used in connection with the system. A public water system is either a community water system or a noncommunity water system.

*AUTHORITY: section 640.100, RSMo Supp. [1999] **2002**. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.020 Maximum Microbiological Contaminant Levels and Monitoring Requirements. The commission is amending sections (5) and (6).

*PURPOSE: This amendment is necessary to correct cross references and update notification requirements for consistency with the nomenclature and requirements in the new public notice rule, 10 CSR 60-8.010, proposed in this issue of the **Missouri Register**. This includes requiring notice within twenty-four (24) hours (Tier 1 notice) for fecal coliform- and E. Coli-positive samples and failure to test for fecal coliform or E. Coli after any repeat samples test positive for coliform and deleting the waiver of public notice requirements when corrective actions have been taken and laboratory results for two (2) consecutive days are negative for total coliform bacteria.*

(5) Fecal Coliforms/*Escherichia coli (E. coli)* Testing.

(B) The department has the discretion to allow a public water system, on a case-by-case basis, to forego fecal coliform or *E. coli* testing on a total coliform-positive sample if that system assumes that the total coliform-positive sample is fecal coliform-positive or *E. coli*-positive. The system must notify the department as specified in subsection (5)(A) of this rule*[, and the provisions of 10 CSR 60-8.010(1)(A)3. and (7)(B)1. apply]*, except as provided in subsection (5)(C) of this rule**, and must provide Tier 1 notice to the public as specified in 10 CSR 60-8.010, including the mandatory**

health effects language for fecal coliform/*E. Coli*.

(C) *[The public notice issued under 10 CSR 60-8.010(1)(A)3. and (7)(B)1. may be waived at the discretion of the department when corrective actions have been taken and laboratory results for two (2) consecutive days are negative for total coliform bacteria.]* The department, after consideration of the circumstances surrounding a specific incident, may reduce or extend the public notice period for acute violations, as it deems appropriate.

(6) Response to Violation.

(B) A public water system which has failed to comply with a coliform monitoring requirement, including the sanitary survey requirement, must report the monitoring violation to the department within ten (10) days after the system discovers the violation and notify the public in accordance with **the applicable requirement in** 10 CSR 60-8.010*[(2)]*.

*AUTHORITY: section 640.100, RSMo [1994] **Supp. 2002**. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Rescinded and readopted: Filed Dec. 4, 1990, effective July 8, 1991. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.030 Maximum Inorganic Chemical Contaminant Levels, Action Levels and Monitoring Requirements. The commission is amending sections (1), (5), (6), and (7) and subsection (2)(B).

*PURPOSE: This amendment adopts a provision from 40 CFR 141.11(d) that allows noncommunity water systems, with the department's approval, to exceed the nitrate maximum contaminant level (MCL) if certain conditions are met. This change complements the proposed adoption of special public notice requirements in 10 CSR 60-8.010(9) published in this issue of the **Missouri Register**.*

*This amendment also adopts changes to the arsenic MCL and clarifications to new source monitoring from the federal rule "Arsenic and Clarifications to Compliance and New Source Contaminant Monitoring," which was published in the Jan. 22, 2001 **Federal Register**. Adoption of this federal rule is required to maintain primacy. The lower arsenic MCL is anticipated to increase public health protection by reducing the incidence of bladder cancer, lung cancer, and certain noncancerous diseases such as diabetes and heart disease.*

(1) **Maximum Contaminant Levels (MCL) or Action Levels.**

(A) The maximum contaminant or action level listed as follows for inorganic chemicals 1.–17. apply to community water systems. The maximum contaminant or action level listed as follows for inorganic chemicals 1.–9. and 11.–17. apply to nontransient noncommunity water systems. The maximum contaminant or action level listed as follows for inorganic chemicals 13.–15. apply to transient noncommunity water systems:

Contaminant	Maximum Contaminant Level (MCL)
1. Antimony	0.006 mg/L
2. Arsenic	0.05 mg/L **(until Jan. 23, 2006)** **0.01 mg/L (effective Jan. 23, 2006)**
3. Asbestos	7 million fibers/liter (longer than 10 μm in length)
4. Barium	2 mg/L
5. Beryllium	0.004 mg/L
6. Cadmium	0.005 mg/L
7. Chromium	0.1 mg/L
8. Copper	* (See 10 CSR 60-15.010(3)(A).)
9. Cyanide	0.2 mg/L
10. Fluoride	4.0 mg/L
11. Lead	* (See 10 CSR 60-15.010(3)(B).)
12. Mercury	0.002 mg/L
13. Nitrate	10 mg/L (as nitrogen)
14. Nitrite	1 mg/L (as nitrogen)
15. Total Nitrate and Nitrite	10 mg/L (as nitrogen)
16. Selenium	0.05 mg/L
17. Thallium	0.002 mg/L

*Indicates action levels rather than maximum contaminant levels.

(B) Nitrate levels not to exceed twenty (20) mg/L may be allowed in a noncommunity water system if the suppler of water demonstrates to the satisfaction of the department that all of the following factors apply to the situation:

1. Such water will not be available to children under six (6) months of age;

2. The noncommunity water system is meeting the public notification requirements under 10 CSR 60-8.010(9), including continuous posting of the fact that nitrate levels exceed ten (10) mg/L and the potential health effects of exposure;

3. Local and state public health authorities will be notified annually of nitrate levels that exceed ten (10) mg/L; and

4. No adverse health effects shall result.

(2) Monitoring Frequency.

(B) Inorganic Chemicals. Community and nontransient noncommunity water systems shall monitor for antimony, **arsenic,** barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium and thallium as set forth here.

1. Groundwater systems shall take one (1) sample at each sampling point during each three (3)-year compliance period beginning in the initial compliance period. Surface water systems (or combined surface/ground) shall take one (1) sample annually at each sampling point beginning in the initial compliance period.

2. Waivers.

A. The system may apply to the department for a suscepti-

bility waiver as described in 10 CSR 60-6.060(3). If the department grants the waiver, the system is required to take a minimum of one (1) sample while the waiver is effective. The term during which the waiver is effective shall not exceed one (1) nine (9)-year compliance cycle. Systems not receiving a waiver must monitor in accordance with the provisions of paragraph (2)(B)1. of this rule.

B. The department may grant a waiver provided surface water systems have monitored annually for at least three (3) years and groundwater systems have conducted a minimum of three (3) rounds of monitoring. At least one (1) sample shall have been taken since January 1, 1990. Both surface and ground water systems shall demonstrate that all previous analytical results were reliably and consistently less than the MCL. Systems that use a new water source are not eligible for a waiver until three (3) rounds of monitoring from the new source have been completed.

C. In determining the appropriate reduced monitoring frequency, the department shall consider the reported concentrations from all previous monitoring, the degree of variation in reported concentrations and other factors which may affect contaminant concentrations (such as changes in groundwater pumping rates, changes in the system's configuration, changes in the system's operating procedures, or changes in stream flows or characteristics).

D. A decision by the department to grant a waiver shall be made in writing and shall set forth the basis for the determination. The determination may be initiated by the department or upon an application by the public water system. The public water system shall specify the basis for its request. The department shall review and, where appropriate, revise its determination of the appropriate monitoring frequency when the system submits new monitoring data or when other data relevant to the system's appropriate monitoring frequency become available.

E. The department may grant a waiver for monitoring for cyanide, if the department determines that the system is not vulnerable due to lack of proximity to any industrial source of cyanide.

3. Increased and decreased monitoring.

A. Systems which exceed the MCLs as calculated in section (6) of this rule shall monitor quarterly beginning in the next quarter after the violation occurs.

B. Where the results of sampling for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium indicate an exceedance of the maximum contaminant level, the department may require that one (1) additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two (2) weeks) at the same sampling point.

*[(B)]***C.** The department may decrease the quarterly monitoring requirement to the frequencies specified in paragraph (2)(B)1. of this rule provided it has determined that the analytical results for the system are reliably and consistently below the MCL. In no case can the department make this determination unless a groundwater system takes a minimum of two (2) quarterly samples and a surface water system (or combined surface/ground) takes a minimum of four (4) quarterly samples.

D. All new systems or systems that use a new source of water that begin operation after January 22, 2004 must demonstrate compliance with the MCL within a period of time specified by the department. The system must also comply with the initial sampling frequencies specified by the department to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this section (2).

E. For systems which are conducting monitoring at a frequency greater than annual, compliance with the maximum contaminant levels for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium is determined by a running annual average at any sampling point. If the average at any sampling point is greater than the MCL, then the system is out of compliance. If any one (1) sample would cause the annual average to be exceeded, then the system is out of compliance immediately. Any sample below the method detection limit shall be calculated at zero (0) for the purpose of determining the annual average. If a system fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.

F. For systems which are monitoring annually, or less frequently, and whose sample exceeds one-half (1/2) the MCL for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium, the system must begin quarterly monitoring. The system will not be in violation of the MCL until is has completed one (1) year of quarterly monitoring. If any sample result will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance with the MCL. If a system fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.

G. Arsenic sampling results will be reported to the nearest 0.001 mg/L.

(5) Confirmation Samples.

(A) Where the results of sampling for antimony, **arsenic,** asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium or thallium indicate an exceedance of the MCL, the department may require that one (1) additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two (2) weeks) at the same sampling point.

(B) Nitrate and Nitrite.

1. Where nitrate or nitrite sampling results indicate an exceedance of the MCL, the system shall take a confirmation sample within twenty-four (24) hours of the system's receipt of notification of the analytical results of the first sample.

2. Systems unable to comply with the twenty-four (24)-hour sampling requirement must immediately notify *[the consumers]* **persons** served by the *[area served by the]* public water system in accordance with 10 CSR 60-8.010*[(1)(A)3]***(2)**. Systems exercising this option must take and analyze a confirmation sample within two (2) weeks of notification of the analytical results of the first sample.

(6) Compliance. Compliance with section (1) of this rule shall be determined based on the analytical result(s) obtained at each sampling point.

(A) For systems which are conducting monitoring at a frequency greater than annual, compliance with the MCLs for antimony, **arsenic,** asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium or thallium is determined by a running annual average at each sampling point. If the average at any sampling point is greater than the MCL, then the system is out of compliance. If any one (1) sample would cause the annual average to be exceeded, then the system is out of compliance immediately. Any sample below the method detection limit shall be calculated at zero (0) for the purpose of determining the annual average.

(B) For systems which are monitoring annually, or less frequently, the system is out of compliance with the MCLs for antimony, **arsenic,** asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium or thallium if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the department, the determination of compliance will be based on the average of the two (2) samples.

(7) Public Notice. If the result of analyses indicates that the level of antimony, **arsenic,** asbestos, barium, beryllium, cadmium, chromi-

um, cyanide, fluoride, mercury, selenium or thallium exceeds the MCL, the supplier of water must report to the department within seven (7) days.

*AUTHORITY: section 640.100, RSMo [1994] **Supp. 2002**. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history please consult the **Code of State Regulations**. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate, because any costs that might be incurred are caused by the federal arsenic rule, which will become effective in Missouri whether this amendment is adopted or not.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.040 Maximum Synthetic Organic Chemical Contaminant Levels and Monitoring Requirements. The commission is amending section (5) and adding section (10).

*PURPOSE: This amendment adopts requirements from the federal rule "Arsenic and Clarifications to Compliance and New Source Contaminant Monitoring," which was published in the Jan. 22, 2001 **Federal Register**. Adoption of this federal rule is required to maintain primacy. The proposed changes make the maximum contaminant level calculations more consistent among all chemical rules and clarify new source monitoring requirements.*

(5) If contaminants are detected in any sample, then systems must sample quarterly beginning in the next quarter at each sampling point which resulted in a detection.

(E) *[If a system conducts sampling more frequently than annually, the system will be in violation when the running annual average at any sampling point exceeds the MCL.]* **If one (1) sampling point is in violation of an MCL, the system is in violation of the MCL.**

1. For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point.

2. Systems monitoring annually or less frequently whose sample result exceeds the regulatory detection level as defined by 10 CSR 60-5.010(6)(B) must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one (1) year of quarterly sampling.

3. If any sample result will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance with the MCL immediately.

4. If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected.

5. If a sample result is less than the detection limit, zero will be used to calculate the annual average.

[(F) If a system conducts sampling annually or on a less frequent basis, the system will be in violation when one (1) sample (or the average of the initial and confirmation samples) at any point exceeds the MCL.]

[(G)] **(F)** If monitoring results in detection of one (1) or more of certain related contaminants (aldicarb, aldicarb sulfone, aldicarb sulfoxide and heptachlor, heptachlor epoxide), then subsequent monitoring shall analyze for all related contaminants.

(10) All new systems or systems that use a new source of water that begin operation after January 22, 2004 must demonstrate compliance with the MCL or treatment technique within a period of time specified by the department. The system must also comply with the initial sampling frequencies specified by the department to ensure a system can demonstrate compliance with the MCL or treatment technique. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in section (5) of this rule.

*AUTHORITY: section 640.100, RSMo [1994] **Supp. 2002.** Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Rescinded and readopted: Filed March 31, 1992, effective Dec. 3, 1992. Amended: Filed May 4, 1993, effective Jan. 13, 1994. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed mendment is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.050 Maximum Turbidity *[Contaminant]* **Levels and Monitoring Requirements and Filter Backwash Recycling**. The commission is amending sections (1)–(3).

PURPOSE: This amendment adopts changes to notification requirements for turbidity exceedances required by the EPA's public notice rule, which was published in the May 4, 2000 ***Federal Register****.*

It also extends the turbidity requirements currently in effect for large public water systems to smaller surface water systems (serving less than ten thousand (10,000) people), pursuant to EPA's Long-Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), which was published in the January 14, 2002 ***Federal Register****. The compliance date for these provisions is January 14, 2005. EPA's LT1ESWTR allows systems with only two (2) filters to monitor their combined filter effluent every fifteen (15) minutes, rather than each filter every fifteen (15) minutes. This proposed amendment requires these systems to monitor both filters every fifteen (15) minutes.*

Adopting the federal rules is necessary for maintaining primacy. The federal rules, fact sheets, and other background information on turbidity requirements for small systems are available on-line at http://www.epa.gov/safewater/pws/pwss.html by clicking on Rule Implementation, or by calling the Public Drinking Water Program at (573)751-5331.

(1) Applicability.

[(B) The department strongly encourages systems serving less than ten thousand (10,000) people and using surface water or ground water under the direct influence of surface water to strive to meet the maximum containment levels (MCLs) and turbidity standards in section (3) of this rule, since it is likely that federal regulations will require these systems to meet the more stringent standards in 2003.

(C) Beginning September 1, 2000, any water treatment plant proposed for construction or major modification must be designed to meet the turbidity requirements in section (3) of this rule.]

[(D)] **(B)** Beginning November 30, 2002, any water treatment plant proposed for construction or major modification must be designed to meet the filter backwash requirements in section (4) of this rule.

(2) Systems Serving Less Than Ten Thousand (10,000) People. **(Note: This section remains in effect only until January 13, 2005. Beginning January 14, 2005, the turbidity levels and other requirements in section (3) of this rule replace the requirements of this section.)**

(A) *[The MCLs for]* **Maximum Turbidity Levels**.

1. The turbidity level must be less than or equal to 0.5 turbidity units in at least ninety-five percent (95%) of the measurements taken each month.

2. The turbidity level must at no time exceed five (5) turbidity units in any one (1) confirmed measurement.

(C) If the result of a single turbidity measurement exceeds the *[MCL]* **level** established in subsection (2)(A), the measurement must be confirmed by resampling, preferably within one (1) hour. The resample result must replace the original sample result for determining compliance with subsection (2)(A) of this rule.

(D) If any confirmed sample result exceeds five (5) turbidity units, the supplier of water must notify the department by the end of the next business day and give notice as required by 10 CSR 60-8.010*[(1)(A)3.]***(2).**

(E) The department, on a case-by-case basis, may allow a system to operate at *[an MCL for]* **a maximum** turbidity **level** of 1.0 turbidity units in at least ninety-five percent (95%) of the measurements taken each month if the following criteria are met: the total percent removal and inactivation of *Giardia lamblia* is ninety-nine and nine-tenths percent (99.9%), required treatment is provided, the treatment facilities are properly operated, none of the treatment units are malfunctioning due to mechanical failure or incorrect construction, the system is in compliance with all of the disinfection requirements of 10 CSR 60-4.055(1)-(4), the treatment facilities are providing ninety-nine percent (99%) Giardia cyst removal and the system cannot meet the turbidity *[MCL]* **level** of 0.5 turbidity units due to raw water quality, iron, manganese or similar compelling factors. The request to operate at the higher turbidity *[MCL]* **level** must be made in writing and be accompanied by an engineering report which includes the results of full scale particle or *Giardia* cyst removal studies, operational test data, water analyses results, a report of the sanitary survey of the treatment facilities and any other information that the department may require to assure that the criteria of this rule are met. Approval of the engineering report is the approval to operate at the higher turbidity *[MCL]* **level**.

(3) *[Systems Serving Ten Thousand (10,000) or More People.]* **Enhanced Turbidity Requirements.**

[(A) The turbidity levels and other requirements in section (2) apply to these systems until January 1, 2002.

[(B)] **(A)** Beginning January 1, 2002 *[—]* **for systems serving ten thousand (10,000) or more people and beginning January 14, 2005 for systems serving less than ten thousand (10,000) people maximum turbidity levels and other requirements are as set forth in this section.**

(B) Maximum Turbidity Levels.

1. Turbidity must be equal to or less than 0.3 turbidity units in at least ninety-five percent (95%) of the measurements taken each month; and

2. There must be no more than one (1) turbidity unit in any one (1) *[confirmed]* measurement.

(D) **Reporting to the Department.**

1. If at any time the turbidity exceeds one (1) nephelometric turbidity unit (NTU) in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the system must inform the department as soon as possible, but no later than the end of the next business day.

2. If any *[confirmed]* sample result exceeds five (5) turbidity units, the supplier of water must *[notify the department by the end of the next business day and give notice as required by 10 CSR 60-8.010(1)(A)3.]* **consult with the department as soon as practical, but no later than twenty-four (24) hours after the exceedance is known, except that the department may allow additional time in the event of extenuating circumstances beyond the control of the owner or operator, such as a natural disaster.**

3. If at any time the turbidity in representative samples of filtered water exceeds the maximum level set by the department under subsection (3)(G) of this rule for filtration technologies other than conventional filtration treatment, the system must inform the department as soon as possible, but no later than the end of the next business day.

(E) Filtration Sampling Requirements for Surface Water Systems *[Serving More Than ten thousand (10,000) People]*.

1. A public water system subject to the requirements of 10 CSR 60-4.055(6) that provides conventional filtration treatment must conduct continuous monitoring of turbidity for each individual filter using an approved method in 10 CSR 60-5.010 and must calibrate turbidimeters using the procedure specified by the manufacturer. Systems must record the results of individual filter monitoring every fifteen (15) minutes.

2. If there is a failure in the continuous turbidity monitoring equipment, the system must conduct grab sampling every four (4) hours in lieu of continuous monitoring, until the turbidimeter is repaired and back on-line. A system has a maximum of five (5) working days after failure in the continuous monitoring equipment to repair the equipment before the system is in violation. **With department approval, systems serving less than ten thousand (10,000) people may be granted up to fourteen (14) days to repair the equipment before the system is in violation.**

*AUTHORITY: section 640.100, RSMo [2000] **Supp. 2002**. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed July 12, 1991, effective Feb. 6, 1992. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed Dec. 15, 1999, effective Sept. 1, 2000. Amended: Filed Jan. 16, 2002, effective Nov. 30, 2002. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment is estimated to cost six (6) publicly-owned surface water systems approximately twelve thousand dollars ($12,000) in the aggregate for a one-time cost for additional turbidimeters for the individual filter monitoring required by this amendment that is in addition to the requirements in the federal rule and the Missouri Department of Natural Resources approximately seventeen thousand eight hundred seventy-four dollars ($17,874) in one-time costs and forty-six thousand five hundred ten dollars ($46,510) annually. Any other expenditures of money are caused by the federal rule and must be incurred regardless of whether the proposed amendment is adopted or not.

PRIVATE COST: This proposed amendment is estimated to cost private entities less than five hundred dollars ($500) in the aggregate. Privately-owned public water systems are already complying with the individual turbidity monitoring requirement, and any other expenditures of money are caused by the federal rule and must be incurred regardless of whether this proposed amendment is adopted or not.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title:	10
Division:	60
Chapter:	4
Type of Rulemaking:	Proposed Amendment
Rule Number and Name:	10 CSR 60-4.050 Maximum Turbidity *[Contaminant]* Levels and Monitoring Requirements and Filter Backwash

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	**Estimated Cost of Compliance in the Aggregate**
Department of Natural Resources	$46,510 (annually) $17,874 (one-time)
6 Surface water systems serving < 10,000 population, and having two filters	$12,000 (one-time cost)
Total Estimated Cost	$46,510 annual costs $29,874 one-time costs

III. WORKSHEET

6 turbidimeters x $2,000 per turbidimeter = $12,000

1.0 FTE Environmental Specialist III = $33,276 salary (annually) + $13,234 expenses (annually) + $17,874 equipment (one-time)

IV. ASSUMPTIONS.

1. It is assumed that six small surface water systems having two filters will need to purchase one additional turbidimeter each in order to meet the new requirement for continuous individual filter monitoring. It is assumed that the turbidimeters can be purchased for approximately $2,000 each.

2. All other potential costs to water systems are caused by the federal rule, Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), published January 14, 2002. Water systems must comply with the federal requirements regardless of whether they are incorporated into the state rule or not. For information purposes, the following cost data from the preamble to the LT1ESWTR is provided. In the cost analysis produced by EPA, it was reported that the LT1ESWTR would apply to 5,817 water systems. In Missouri, 72 systems, or .012% of the national total, are affected by this rule. Sixty-five of these are publicly owned. Extrapolating from the national cost figures, the federal requirements being incorporated into the state rule are estimated to cost the 65 publicly-owned water surface water systems affected by this rule approximately $4,642 per system in turbidimeter, treatment, and operation and maintenance costs, and approximately $750 per system in annual monitoring costs.

3. The Department of Natural Resources (DNR) will have additional staffing requirements over and

above the requirements of the existing rule. Small water systems will have tougher turbidity standards to meet and will need to do individual filter monitoring and other increased operational monitoring that must be done to assure these standards can be met. Staff in the Public Drinking Water Program (PDWP) and regional offices will need to assist the small systems as they attempt to meet the new turbidity standards. Due to limited resources and other constraints with these small water systems, violations of turbidity standards and other significant compliance issues can be expected in some cases. PDWP staff will need to be monitoring compliance and taking appropriate action when water systems violate the regulations.

The specific resources needed will be approximately 1.0 FTE. Based on an Environmental Specialist III classification, the cost would be $33,276 annually for salary and $17,874 one-time for equipment and $13,234 annually for expenses.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.055 Disinfection Requirements. The commission is amending subsections (3)(D), (3)(E), (4)(D), (4)(E), and (5)(C) and section (6).

PURPOSE: This proposed amendment adopts the EPA Long Term 1 Enhanced Surface Water Treatment Rule (Jan. 14, 2002) and the technical corrections to the Interim Enhanced Surface Water Treatment Rule (Jan. 16, 2001). These changes are necessary in order to maintain primacy and be consistent with the federal rules. The amendment also corrects cross references and makes the trigger for public notice consistent with the federal rule when disinfectant residual concentrations are not met.

(3) For any water system adding a disinfectant, only free available chlorine or chloramines will be accepted as the disinfectant entering the distribution system. The residual disinfectant concentration in the water entering the distribution system cannot be less than 0.5 milligrams per liter (mg/L) free available chlorine or 1.0 mg/L chloramines for more than four (4) hours.

[(D) Failure to maintain the minimum residual disinfectant concentration as required in this rule is a violation of a treatment technique which requires public notification as specified in 10 CSR 60-8.010(1) and (7)(B)2.]

*[(E)]***(D)** If at any time the disinfectant residual entering the distribution system falls below the levels established in this section, the system must notify the department as soon as possible but no later than by the end of the next business day. The system must notify the department by the end of the next business day whether or not the disinfectant residual was restored to the levels established in this section within four (4) hours. **The department may require public notice for continuing or persistent violations of this requirement.**

(E) A residual disinfectant concentration in the water entering the distribution system of less than 0.2 mg/L for at least four (4) hours is a treatment technique violation which requires public notice pursuant to 10 CSR 60-8.010.

(4) The residual disinfectant concentration in the distribution system measured as total chlorine or combined chlorine cannot be less than 0.2 mg/L in more than five percent (5%) of the samples each month for any two (2) consecutive months that the system supplies water to the public.

(D) Failure to maintain the minimum residual disinfectant concentration required in this rule is a violation of a treatment technique which requires public notification as specified in 10 CSR 60-8.010*[(1) and(7)(B)2.]*.

(E) The residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled as specified in 10 CSR 60-4.020. Failure to comply with this subsection is a monitoring violation which requires public notification as specified in 10 CSR 60-8.010*[(2).]*

(5) Maximum Residual Disinfectant Levels.

(C) Compliance Dates.

1. Community water systems and nontransient noncommunity water systems.

A. Systems serving ten thousand (10,000) or more persons and using surface water or groundwater under the direct influence of surface water must comply with the MRDLs beginning *[December 16, 2001]* **January 1, 2002**.

B. Systems serving fewer than ten thousand (10,000) persons and using surface water or groundwater under the direct influence of surface water and systems using only groundwater not under the direct influence of surface water must comply with the MRDLs beginning *[December 16, 2003]* **January 1, 2004.**

2. Transient noncommunity water systems.

A. Systems serving ten thousand (10,000) or more persons and using surface water or groundwater under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning *[December 16, 2001]* **January 1, 2002**.

B. Systems serving less than ten thousand (10,000) persons, using surface water or groundwater under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant, and systems using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant, must comply with the chlorine dioxide MRDL beginning *[December 16, 2003]* **January 1, 2004**.

(6) Enhanced Disinfection Requirements. **Enhanced disinfection requirements and compliance dates vary depending on system size.**

(A) Compliance Date**s**. In addition to **the requirements in** sections (1)–(4) of this rule, surface water and groundwater under the direct influence of surface water systems serving at least ten thousand (10,000) people **also** must *[also]* comply with the requirements in this section beginning January 1, 2002 unless otherwise specified. **Those systems serving less than ten thousand (10,000) people must comply with the requirements in this section beginning January 14, 2005 unless otherwise specified.**

(B) General Requirements.

1. This section (6) establishes or extends treatment technique requirements in lieu of maximum contaminant levels for the following contaminants: *Giardia lamblia*, viruses, heterotrophic plate count bacteria, *Legionella, Cryptosporidium*, and turbidity. Each surface water and groundwater under the direct influence of surface water system*, [serving at least ten-thousand (10,000) people***including those serving less than ten thousand (10,000) people beginning January 14, 2005,** must provide treatment of its source water that complies with these treatment technique requirements and are in addition to those identified in sections (1)–(4) of this rule. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

A. At least *[nine-]*ninety**-nine** percent (99%) (2-log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer *[for filtered systems]*; and

B. Compliance with the profiling and benchmark requirements under the provisions of subsection (6)(C) of this rule.

2. A public water system subject to the requirements of this section (6) is in compliance with the requirements of paragraph (6)(B)1. of this rule if it meets the applicable filtration requirements in 10 CSR 60-4.050 and the disinfection requirements in sections (2)–(4) and subsection (6)(C) of this rule.

(C) Disinfection Profiling and Benchmarking.

1. Disinfection profile. A disinfection profile is a summary of *[daily] Giardia lamblia* inactivation through the treatment plant **measured through the course of a year**. A public water system subject to the requirements of this section (6) must determine its total trihalomethanes (TTHM) annual average and its HAA5 annual average. The annual average is the arithmetic average of the quarterly averages of four (4) consecutive quarters of monitoring. **Surface water systems serving fewer than ten thousand (10,000) people must determine the arithmetic average based on samples collected after January 1, 1998. If the annual average exceeds the levels**

in subparagraph (6)(C)1.D then the requirements in paragraph (6)(C)2. apply.

A. The TTHM annual average must be the annual average during the same period as is used for the HAA5 annual average.

(I) Those systems that use "grandfathered" HAA5 occurrence data that meet the provisions of *[item]* **part** (5)(C)1.B.(I) of this rule must use TTHM data collected at the same time under the provisions of 10 CSR 60-4.090.

(II) Those systems that use HAA5 occurrence data that meet the provisions of *[subitem]* **subpart** (6)(C)1.B.(II)(a) of this rule must use TTHM data collected at the same time under the provisions of 10 CSR 60-4.090.

B. The HAA5 annual average must be the annual average during the same period as is used for the TTHM annual average.

(I) Those systems that have collected four (4) quarters of HAA5 occurrence data that meets the routine monitoring sample number and location requirements for TTHM in 10 CSR 60-4.090 and handling and analytical method requirements of 40 CFR 141.142 may use those data to determine whether the requirements of this section apply.

(II) Those systems that did not collect four (4) quarters of HAA5 occurrence data that meets the provisions of *[item]* **part** (6)(C)1.B.(I) of this rule by March 31, 2000 must either:

(a) Conduct monitoring for HAA5 that meets the routine monitoring sample number and location requirements for TTHM in 10 CSR 60-4.090(2) and handling and analytical method requirements of 40 CFR 141.142(b)(1) to determine the HAA5 annual average and whether the requirements of paragraph (6)(C)2. of this rule apply; or

(b) Comply with all other provisions of this section as if the HAA5 monitoring had been conducted and the results required compliance with paragraph (6)(C)2. of this rule.

C. The system must submit data to the department on the schedule required by the department.

D. Any system having either a TTHM annual average greater than or equal to 0.064 mg/L or an HAA5 annual average greater than or equal to 0.048 mg/L during the period identified in subparagraphs *[(5)]* **(6)**(C)1.A. and B. of this rule must comply with paragraph (6)(C)2. of this rule.

2. Disinfection profiling **requirements and compliance dates vary depending on system size. Surface water systems serving a population of less than ten thousand (10,000) must monitor profiling data according to subparagraph (6)(C)2.D. beginning July 1, 2003. Surface water and groundwater under the direct influence of surface water (GWUDISW) systems serving a population of less than five hundred (500) must monitor profiling data according to subparagraph (6)(C)2.D. beginning January 1, 2004.**

A. Any system that meets the criteria in subparagraph (6)(C)1.D. of this rule must develop a disinfection profile of its disinfection practice for a period of up to three (3) years.

B. The system must monitor daily for a period of twelve (12) consecutive calendar months to determine the total logs of inactivation for each day of operation, based on the $CT_{99.9}$ values in Tables 1 through 8 of the **Missouri** "Guidance Manual for Surface Water System Treatment Requirements," as appropriate, through the entire treatment plant. This system must begin this monitoring when requested by the department. As a minimum, the system with a single point of disinfectant application prior to entrance to the distribution system must conduct the monitoring set forth in this subparagraph (6)(C)2.B. A system with more than one (1) point of disinfectant application must conduct this monitoring for each disinfection segment. The system must monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in 10 CSR 60-5.010, as follows:

(I) The temperature of the disinfected water must be measured once per day at each residual disinfectant concentration sampling point during peak hourly flow;

(II) If the system uses chlorine, the pH of the disinfected water must be measured once per day at each chlorine residual disinfectant concentration sampling point during peak hourly flow;

(III) The disinfectant contact time(s) must be determined for each day during peak hourly flow; and

(IV) The residual disinfectant concentration(s) of the water before or at the first customer and prior to each additional point of disinfection must be measured each day during peak hourly flow.

C. In lieu of the monitoring conducted under the provisions of subparagraph (6)(C)2.B. of this rule to develop the disinfection profile the system may elect to meet the requirements of *[item]* **part** (6)(C)2.C.(I) of this rule. In addition to the monitoring conducted under the provisions of subparagraph (6)(C)2.B. of this rule to develop the disinfection profile, the system may elect to meet the requirements of *[item]* **part** (6)(C)2.C.(II) of this rule.

(I) A PWS that has three (3) years of existing operational data may submit those data, a profile generated using those data, and a request that the department approve use of those data in lieu of monitoring under the provisions of paragraph (6)(C)2. of this rule. The department must determine whether these operational data are substantially equivalent to data collected under the provisions of subparagraph (6)(C)2.B. of this rule. These data must also be representative of *Giardia lamblia* inactivation through the entire treatment plant and not just of certain treatment segments. Until the department approves this request, the system is required to conduct monitoring under the provisions of subparagraph (6)(C)2.B. of this rule.

(II) In addition to the disinfection profile generated under subparagraph (6)(C)2.B. of this rule, a PWS that has existing operational data may use those data to develop a disinfection profile for additional years. Such systems may use these additional yearly disinfection profiles to develop a benchmark under the provisions of paragraph (6)(C)3. of this rule. The department will determine whether these operational data are substantially equivalent to data collected under the provisions of subparagraph (6)(C)2.B. of this rule. These data must also be representative of inactivation through the entire treatment plant and not just of certain treatment segments.

D. The system must monitor once per week on the same calendar day, for a period of twelve (12) consecutive calendar months, to determine the total logs of inactivation for each week of operation, based on the $CT_{99.9}$ values in Tables 1 through 8 of the Missouri "Guidance Manual for Surface Water System Treatment Requirements," as appropriate, through the entire treatment plant. As a minimum, the system with a single point of disinfectant application prior to entrance to the distribution system must conduct the monitoring set forth in this subparagraph. A system with more than one (1) point of disinfectant application must conduct this monitoring for each disinfection segment. The system must monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in 10 CSR 60-5.010, as follows:

(I) The temperature of the disinfected water must be measured at each residual disinfectant concentration sampling point during peak hourly flow;

(II) If the system uses chlorine, the pH of the disinfected water must be measured at each chlorine residual disinfectant concentration sampling point during peak hourly flow;

(III) The disinfectant contact time(s) must be determined during peak hourly flow; and

(IV) The residual disinfectant concentration(s) of the water before or at the first customer and prior to each additional point of disinfection must be measured during peak hourly flow.

[D.] **E.** The system must calculate the total inactivation ratio as follows:

(I) The system may determine the total inactivation ratio for the disinfection segment based on either of the following methods:

(a) Determine one (1) inactivation ratio ($CTcalc/CT_{99.9}$) before or at the first customer during peak hourly flow; or

(b) Determine successive ($CTcalc/CT_{99.9}$) values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the system must calculate the total inactivation ratio by determining ($CTcalc/CT_{99.9}$) for each sequence and then adding the ($CTcalc/CT_{99.9}$) values together to determine ($\Sigma(CTcalc/CT_{99.9})$); and

(II) The system must determine the total logs of inactivation by multiplying the value calculated in *[item]* **part** (6)(C)2.D.(I) of this rule by three (3.0).

[E.] **F.** A system that uses either chloramines or ozone for primary disinfection must also calculate the logs of inactivation for viruses using a method identified in EPA's "Alternative Disinfectants and Oxidants Guidance Manual."

[F.] **G.** The system must retain disinfection profile data in graphic form, as a spreadsheet, or in some other format acceptable to the department for review as part of sanitary surveys conducted by the department.

3. Disinfection benchmarking.

A. Any system required to develop a disinfection profile under the provisions of paragraphs (6)(C)1. and 2. of this rule and that decides to make a significant change to its disinfection practice must consult with the department in writing prior to making such change. Significant changes to disinfection practice are:

(I) Changes to the point of disinfection;

(II) Changes to the disinfectant(s) used in the treatment plant;

(III) Changes to the disinfection process; and

(IV) Any other modification identified by the department.

B. Any system that is modifying its disinfection practice must calculate its disinfection benchmark using one of the following procedures:

(I) For each year of profiling data collected and calculated under paragraph (6)(C)2. of this rule, the system must determine the lowest average monthly *Giardia lamblia* inactivation in each year of profiling data. The system must determine the average *Giardia lamblia* inactivation for each calendar month for each year of profiling data by dividing the sum of *[daily] Giardia lamblia [of]* inactivation by the number of values calculated for that month; or

(II) The disinfection benchmark is the lowest monthly average value (for systems with one (1) year of profiling data) or average of lowest monthly average values (for systems with more than one **(1)** year of profiling data) of the monthly logs of *Giardia lamblia* inactivation in each year of profiling data.

C. A system that uses either chloramines or ozone for primary disinfection must also calculate the disinfection benchmark for viruses using a method approved by the department.

D. The system must submit the following information to the department as part of its consultation process:

(I) A description of the proposed change;

(II) The disinfection profile for *Giardia lamblia* (and, if necessary, viruses) under paragraph (6)(C)2. of this rule and benchmark as required by subparagraph (6)(C)3.B. of this rule; and

(III) An analysis of how the proposed change will affect the current levels of disinfection.

*AUTHORITY: section 640.100, RSMo Supp. [1999] **2002**. Original rule filed July 12, 1991, effective Feb. 6, 1992. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed Dec. 15, 1999, effective Sept. 1, 2000. Amended: Filed March 17, 2003.*

PUBLIC COST: This amendment is estimated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This amendment is estimated to cost private entities less than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or in opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.070 Secondary Contaminant Levels and Monitoring Requirements. The commission is amending section (3).

PURPOSE: This amendment corrects a cross-reference to 10 CSR 60-8.010.

(3) For community water systems, if the result of analyses indicates that the secondary contaminant level for fluoride is exceeded, the supplier of water must report to the department within seven (7) days and must collect three (3) additional samples from designated sampling points to be submitted for analysis within one (1) month at intervals determined by the department. When the average of the results of four (4) analyses as required by this section exceeds the secondary contaminant level, the supplier of water must notify the department as required by 10 CSR 60-7.010 and give notice as required by 10 CSR 60-8.010*[(4)]*.

*AUTHORITY: section 640.100, RSMo [(Cum. Supp. 1993)] **Supp. 2002**. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed Aug. 4, 1987, effective Jan. 1, 1988. Rescinded and readopted: Filed March 31, 1992, effective Dec. 3, 1992. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or in opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In

*preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.090 Maximum Contaminant Levels and Monitoring Requirements for Disinfection By-Products. The commission is amending subsections (3)(B) (including Table 3), (4)(C), and (4)(D).

*PURPOSE: This amendment corrects cross references to 10 CSR 60-8.010 and adopts "Revisions to the Interim Enhanced Surface Water Treatment Rule (IESWTR), Stage 1 Disinfectants and Disinfection By-products Rule (Stage1DBPR), and Revisions to State Primacy Requirements To Implement The Safe Drinking Water Act (SDWA) Amendments," which was published in the January 16, 2001 **Federal Register**. These technical corrections fix errors in the published version of the original federal Disinfectants/Disinfection By-Products Rule. These corrections are in Table 3 and subparagraphs (3)(B)1.C. and (4)(D)3.A.*

(3) Monitoring Requirements and Plan.

(B) Monitoring Requirements for Disinfection By-Products.

1. TTHMs and HAA5.

A. Routine monitoring. Systems must monitor at the frequency indicated in Table 2.

Table 2. Routine Monitoring Frequency for TTHM and HAA5.

Surface water or GWUDISW system serving at least 10,000 people.	Four (4) water samples per quarter per treatment plant.	At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods.[1]
Surface water or GWUDISW system serving from 500 to 9,999 people.	One (1) water sample per quarter per treatment plant.	Locations representing maximum residence time.[1]
Surface water or GWUDISW system serving fewer than 500 people.	One (1) sample per year per treatment plant during month of warmest water temperature.	Locations representing maximum residence time.[1] If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in subsection (3)(C) of this rule.
System using only ground water not under the direct influence of surface water using chemical disinfectant and serving at least 10,000 people.	One (1) water sample per quarter per treatment plant.[2]	Locations representing maximum residence time.[1]
System using only ground water not under the direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	One (1) sample per year per treatment plant[2] during month of warmest water temperature.	Locations representing maximum residence time.[1] If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets the criteria in subsection (3)(C) of this rule for reduced monitoring.

[1]If a system elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

[2]Multiple wells drawing water from a single aquifer may be considered one (1) treatment plant for determining the minimum number of samples required, with department approval.

B. Systems may reduce monitoring except as otherwise provided, in accordance with Table 3.

Table 3. Reduced Monitoring Frequency TTHM and HAA5

If you are a . . .	You may reduce monitoring if you have monitored at least one year and your . . .	To this level
Surface water or GWUDISW system serving at least 10,000 persons which has a source water annual average total organic carbon (TOC) level, before any treatment, ≤ 4.0 mg/L	TTHM annual average ≤ 0.040 mg/L and HAA5 annual average ≤ 0.030 mg/L	One (1) sample per treatment plant per quarter at distribution system location reflecting maximum residence time.
Surface water or GWUDISW system serving from 500 to 9,999 persons which has a source water annual average TOC level, before any treatment, ≤ 4.0 mg/L	TTHM annual average ≤ 0.040 mg/L and HAA5 annual average ≤ 0.030 mg/L.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. NOTE: Any surface water or GWUDISW system serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons.	TTHM annual average ≤ 0.040 mg/L and HAA5 annual average ≤ 0.030 mg/L.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	TTHM annual average ≤ 0.040 mg/L and HAA5 annual average ≤ 0.030 mg/L for two consecutive years OR TTHM annual average ≤ 0.20 mg/L and HAA5 annual average ≤ 0.015 mg/L for one year.	One (1) sample per treatment plant *[per]* **every three (3)** years at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following quarter in which system qualifies for reduced monitoring.

C. Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for systems which must monitor quarterly) or the result of the sample (for systems which must monitor no more frequently than annually) is no more than 0.060 mg/L for TTHMs and 0.045 mg/L for HAA5. Systems that do not meet these levels must resume monitoring at the frequency identified in Table 2: Routine Monitoring in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L for TTHMs and 0.045 mg/L for HAA5. For systems using only groundwater under the direct influence of surface water and serving fewer than ten thousand (10,000) persons, if either the TTHM annual average is greater than 0.080 mg/L or the HAA5 annual average is greater than 0.060 mg/L, the system must go to increased monitoring. Systems on increased monitoring may return to routine monitoring **if after at least one (1) year of monitoring their** TTHM annual average is less than or equal to *[0.040]* **0.060** mg/L and HAA5 annual average is less than or equal to *[0.030]* **0.045** mg/L**, respectively**.

D. The department may return a system to routine monitoring at the department's discretion.

2. Chlorite. Community and nontransient noncommunity water systems using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

A. Routine monitoring.

(I) Daily monitoring. Systems must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system must take additional samples in the distribution system the following day at the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system, in addition to the sample required at the entrance to the distribution system.

(II) Monthly monitoring. Systems must take a three (3)-sample set each month in the distribution system. The system must take one (1) sample at each of the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three (3)-sample sets, at the specified locations). The system may use the results of additional monitoring conducted under subparagraph (3)(B)2.B. to meet the requirement for monthly monitoring.

B. Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system is required to take three (3) chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C. Reduced monitoring.

(I) Chlorite monitoring at the entrance to the distribution system required by item (3)(B)2.A.(I) of this rule may not be reduced.

(II) Chlorite monitoring in the distribution system required by item (3)(B)2.A.(II) of this rule may be reduced to one (1) three

(3)-sample set each month in the distribution system. The system must take one (1) sample at each of the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three (3)-sample sets, at the specified locations). The system may use the results of additional monitoring conducted under subparagraph (3)(B)2.B. to meet the requirement for monthly monitoring.

3. Bromate.

A. Routine monitoring. Community and nontransient noncommunity systems using ozone for disinfection or oxidation must take one (1) sample per month for each treatment plant in the system using ozone. Systems must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

B. Reduced monitoring. Systems required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for one (1) year. The system may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/L based upon representative monthly measurements. If the running annual average source water bromide concentration is greater than or equal to 0.05 mg/L, the system must resume routine monitoring.

(4) Compliance Requirements.

(C) Disinfectant Residuals.

1. Chlorine and chloramines.

A. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system under paragraph (3)(C)1. of this rule. If the average covering any consecutive four (4)-quarter period exceeds the MRDL, the system is in violation of the MRDL and must notify the public pursuant to 10 CSR 60-8.010, in addition to reporting to the department pursuant to 10 CSR 60-7.010.

B. In cases where systems switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to 10 CSR 60-7.010(6) must clearly indicate which residual disinfectant was analyzed for each sample.

2. Chlorine dioxide.

A. Acute violations. Compliance must be based on consecutive daily samples collected by the system under paragraph (3)(C)2. of this rule. If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (1) (or more) of the three (3) samples taken in the distribution system exceed the MRDL, the system is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for acute health risks in 10 CSR 60-8.010*[(1)(A)3.]***(2)**, in addition to reporting to the department pursuant to 10 CSR 60-7.010. Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the system must notify the public of the violation in accordance with the provisions for acute violations under 10 CSR 60-8.010*[(1)(A)3.]***(2)**, in addition to reporting to the department pursuant to 10 CSR 60-7.010.

B. Nonacute violations. Compliance must be based on consecutive daily samples collected by the system in compliance with this rule.

(I) If any two (2) consecutive daily samples taken at the entrance to the distribution system detect chlorine dioxide, the system must take corrective action to lower the chlorine dioxide level.

(II) If any two (2) consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the system is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and notify the public pursuant to the procedures for nonacute health risks in 10 CSR 60-8.010*[(7)(D)]***(3)**, in addition to reporting to the department pursuant to 10 CSR 60-7.010. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the system must notify the public of the violation in accordance with the provisions for nonacute violations in 10 CSR 60-8.010*[(7)(D)]***(3)**, in addition to reporting to the department pursuant to 10 CSR 60-7.010.

(D) Disinfection By-Product Precursors (DBPP).

1. Systems using surface water or groundwater under the direct influence of surface water and using conventional filtration treatment must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in this rule unless the system meets at least one (1) of the alternative compliance criteria listed here. These systems must still comply with monitoring requirements in sections (3)–(4) of this rule. The alternative compliance criteria for enhanced coagulation and enhanced softening are:

A. The system's source water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/L, calculated quarterly as a running annual average;

B. The system's treated water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/L, calculated quarterly as a running annual average;

C. The system's source water TOC level, measured according to 10 CSR 60-5.010, is less than 4.0 mg/L, calculated quarterly as a running annual average; the source water alkalinity, measured according to 10 CSR 60-5.010, is greater than **sixty (**60**)** mg/L (as $CaCO_3$), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively; or prior to the effective date for compliance with this rule, the system has made a clear and irrevocable financial commitment not later than the effective date for compliance with this rule to use of technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/L and 0.030 mg/L, respectively. Systems must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the department for approval not later than the effective date for compliance with this rule. These technologies must be installed and operating not later than June 30, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation;

D. The TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system;

E. The system's source water SUVA, prior to any treatment and measured monthly according to 10 CSR 60-5.010, is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average. SUVA refers to Specific Ultraviolet Absorption at two-hundred-fifty-four nanometers (254nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254nm (UV_{254}) (in m^{-1}) by its concentration of dissolved organic carbon (DOC) (in mg/L); and

F. The system's finished water SUVA, measured monthly according to 10 CSR 60-5.010, is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

2. Additional alternative compliance criteria for softening systems. Systems practicing enhanced softening that cannot achieve the Step 1 TOC removals may use the alternative compliance criteria listed here in lieu of complying with paragraph (4)(D)3. of this rule.

Systems must still comply with monitoring requirements in sections (3)–(4) of this rule.

A. Softening that results in lowering the treated water alkalinity to less than **sixty (**60**)** mg/L (as $CaCO_3$), measured monthly according to 10 CSR 60-5.010 and calculated quarterly as a running annual average.

B. Softening that results in removing at least **ten (**10**)** mg/L of magnesium hardness (as $CaCO_3$), measured monthly and calculated quarterly as an annual running average.

3. Enhanced coagulation and enhanced softening performance requirements.

A. Systems must achieve the percent reduction of TOC specified in Table 4 between the source water and the combined filter effluent, unless the department approves a system's request for alternate minimum TOC removal (Step 2) requirements. Systems may begin monitoring to determine whether Step 1 TOC removals can be met twelve (12) months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first twelve (12) months after the compliance date that it is not able to meet the Step 1 requirements and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements and is in violation. Systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. **For systems required to meet Step 1 TOC removals, if the value calculated under part (4)(D)4.A.(IV) of this rule is less than 1.00, the system is in violation of the treatment technique requirements and must notify the public pursuant to 10 CSR 60-8.010 in addition to reporting to the department pursuant to 10 CSR 60-7.010.**

B. Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with 10 CSR 60-5.010. Systems practicing softening are required to meet the Step 1 TOC reductions in the far-right column (Source water alkalinity >120 mg/L) for the specified source water TOC.

Table 4: Required Step 1 TOC Reductions.

Step 1 Required Removal of TOC By Enhanced Coagulation and Enhanced Softening For Surface Water and GWUDISW Systems Using Conventional Treatment[1,2]			
	Source water alkalinity, mg/L as $CaCO_3$		
Source water TOC, mg/L	0–60	>60–120	>120[3]
>2.0-4.0	35.0%	25.0%	15.0%
>4.0-8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

[1]Systems meeting at least one of the conditions in paragraph (4)(D)1. of this rule are not required to operate with enhanced coagulation.
[2]Softening systems meeting one of the alternative compliance criteria in paragraph (4)(D)1. of this rule are not required to operate with enhanced softening.
[3]Systems practicing softening must meet the TOC removal requirements in this column.

C. Conventional treatment systems using surface water or groundwater under the direct influence of surface water that cannot achieve the Step 1 TOC removals due to water quality parameters or operational constraints must apply to the department, within three (3) months of failure to achieve the Step 1 TOC removals, for approval of alternative minimum TOC (Step 2) removal requirements submitted by the system. If the department approves the alternative minimum TOC removal (Step 2) requirements, the department may make those requirements retroactive for the purposes of determining compliance. Until the department approves the alternate minimum TOC removal (Step 2) requirements, the system must meet the Step 1 TOC removals.

D. Alternate minimum TOC removal (Step 2) requirements. Applications made to the department by enhanced coagulation systems for approval of alternative minimum TOC removal (Step 2) requirements under subparagraph (4)(D)3.C. of this rule must include, as a minimum, results of bench- or pilot-scale testing conducted under this subparagraph (4)(D)3.D. and used to determine the alternate enhanced coagulation level.

(I) Alternate enhanced coagulation level is defined as coagulation at a coagulant dose and pH as determined by the method described here such that an incremental addition of ten (10) mg/L of alum (or equivalent amount of ferric salt) results in a TOC removal of less than or equal to 0.3 mg/L. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the system. Once approved by the department, this minimum requirement supersedes the minimum TOC removal required by Table 4 of this rule. This requirement will be effective until such time as the department approves a new value based on the results of a new bench- and pilot-scale test. Failure to achieve department-set alternative minimum TOC removal levels is a violation.

(II) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/L increments of alum (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in Table 5.

Table 5: Enhanced Coagulation Step 2 Target pH.

Alkalinity (mg/L as $CaCO_3$)	Target pH
0–60	5.5
>60–120	6.3
>120–240	7.0
>240	7.5

(III) For waters with alkalinities of less than sixty (60) mg/L for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the system must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/L per 10 mg/L alum added (or equivalent addition of iron coagulant) is reached.

(IV) The system may operate at any coagulant dose or pH necessary (consistent with other regulatory requirements) to achieve the minimum TOC percent removal approved under subsection (3)(C) of this rule.

(V) If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose at all dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The system may then apply to the department for a waiver of enhanced coagulation requirements.

4. Compliance calculations.

A. Systems using surface water or groundwater under the direct influence of surface water, other than those identified in paragraphs (4)(D)1. or 2. of this rule, must comply with requirements contained in subparagraph (4)(D)3.B. of this rule. Systems must calculate compliance quarterly, beginning after the system has collected twelve (12) months of data, by determining an annual average using the following method:

(I) Determine actual monthly TOC percent removal, equal to: (1 – (treated water TOC/source water TOC)) × 100;

(II) Determine the required monthly TOC percent removal;

(III) Divide the value in part (4)(D)4.A.(I) by the value in part (4)(D)4.A(II); and

(IV) Add together the results of part (4)(D)4.A.(III) for the last twelve (12) months and divide by twelve (12). If the value calculated is less than 1.00, the system is not in compliance with the TOC percent removal requirements.

B. Systems may use the following provisions in lieu of the calculations in subparagraph (4)(D)4.A. of this rule to determine compliance with TOC percent removal requirements:

(I) In any month that the system's treated or source water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/L, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule);

(II) In any month that a system practicing softening removes at least 10 mg/L of magnesium hardness (as $CaCO_3$), the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule);

(III) In any month that the system's source water SUVA, prior to any treatment and measured according to 10 CSR 60-5.010, is less than or equal to 2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule);

(IV) In any month that the system's finished water SUVA, measured according to 10 CSR 60-5.010, is less than or equal to 2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule); and

(V) In any month that a system practicing enhanced softening lowers alkalinity below sixty (60) mg/L (as $CaCO_3$), the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule).

C. Systems using conventional treatment and surface water or groundwater under the direct influence of surface water may also comply with the requirements of this rule by meeting the criteria in paragraph (4)(D)1. or 2. of this rule.

*AUTHORITY: section 640.100, RSMo Supp. [1999] **2002**. Original rule filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed Dec. 15, 1999, effective Sept. 1, 2000. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.100 Maximum Volatile Organic Chemical Contaminant Levels and Monitoring Requirements. The commission is adding subsection (3)(E) and section (10).

*PURPOSE: This amendment corrects a typographical error and adopts requirements from the federal rule "Arsenic and Clarifications to Compliance and New Source Contaminant Monitoring," which was published in the January 22, 2001 **Federal Register**. Adoption of this federal rule is required to maintain primacy. The proposed changes make the maximum contaminant level calculations more consistent among all chemical rules and clarify new source monitoring requirements.*

(3) For the purpose of determining compliance with MCLs, a supplier of water must collect samples of the product water for analyses as follows:

(C) If the system draws water from more than one (1) source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions; *[and]*

(D) The department may require more frequent monitoring than specified in subsection (3)(A) of this rule and may require confirmation samples for positive and negative results at its discretion*[.]*; **and**

(E) If one (1) sampling point is in violation of an MCL, the system is in violation of the MCL.

1. For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point.

2. Systems monitoring annually or less frequently whose sample result exceeds the MCL must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one (1) year of quarterly sampling.

3. If any sample result will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance with the MCL immediately.

4. If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected.

5. If a sample result is less than the detection limit, zero will be used to calculate the annual average.

(10) All new systems or systems that use a new source of water that begin operation after January 22, 2004 must demonstrate compliance with the MCL or treatment technique within a period of time specified by the department. The system must also comply with the initial sampling frequencies specified by the department to ensure a system can demonstrate compliance with the MCL or treatment technique. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this rule.

*AUTHORITY: section 640.100, RSMo [1994] **Supp. 2002**. Original rule filed June 2, 1988, effective Aug. 31, 1988. Rescinded and readopted: Filed March 31, 1992, effective Dec. 3, 1992. Amended: Filed May 4, 1993, effective Jan. 13, 1994. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or in opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 6—Enforcement

10 CSR 60-6.050 Procedures and Requirements for Abatement Orders. The commission is amending section (5).

PURPOSE: This amendment corrects a cross reference to 10 CSR 60-8.010.

(5) Public notification of an abatement order must be issued in accordance with **Tier 1 requirements in** 10 CSR 60-8.010*[(1)]*.

*AUTHORITY: section 640.130, RSMo [1986] **2000**. Original rule filed July 12, 1991, effective Feb. 6, 1992. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or in opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 7—Reporting

PROPOSED AMENDMENT

10 CSR 60–7.010 Reporting Requirements. The commission is amending sections (7) and (9).

*PURPOSE: This amendment adopts a change to reporting requirements to make the state rule consisent with the EPA's public notice rule, which was published in the May 4, 2000 **Federal Register** and became effective in Missouri on May 4, 2002. The amendment requires the supplier of water to provide a certificate that he or she has complied with public notice regulations and a representative copy of each type of notice made available.*

*The amendment also adopts the Long-Term 1 Enhanced Surface Water Treatment Rule (January 14, 2002 **Federal Register**) and technical corrections to the Interim Enhanced Surface Water Treatment Rule (January 16, 2001 **Federal Register**). These changes add individual turbidity monitoring requirements in subsection (7)(B) for systems serving less than ten thousand (10,000) people and turbidity reporting requirements for all surface water systems.*

These three (3) federal rules are required for maintaining primacy. The federal rules, fact sheets, and other background information are available on-line at http://www.epa.gov/safewater/pws/pwss.html#implement, or by calling the Public Drinking Water Program at (573)751-5331.

(7) Enhanced Filtration and Disinfection Reporting and Record Keeping Requirements. In addition to the reporting and record keeping requirements in sections (5) and (8) of this rule, a public water system subject to the requirements of 10 CSR 60-4.055(6) that provides conventional filtration treatment must report monthly to the department the information specified in subsections (7)(A) and (7)(B) of this rule beginning January 1, 2002. In addition to the reporting and record keeping requirements in sections (5) and (8) of this rule, a public water system subject to the requirements of 10 CSR 60-4.055(6) that provides filtration approved under 10 CSR 60-4.050(3)(G) must report monthly to the department the information specified in subsection (7)(A) of this rule beginning January 1, 2002. The reporting in subsection (7)(A) of this rule takes the place of the reporting specified in section (4) of this rule.

(B) Systems must maintain the results of individual filter monitoring taken under 10 CSR 60-4.050(3)(E) for at least three (3) years. Systems must report that they have conducted individual filter turbidity monitoring under 10 CSR 60-4.050(3)(E) within ten (10) days after the end of each month the system serves water to the public. Systems must report the individual filter turbidity measurement results within ten (10) days after the end of each month the system serves water to the public only if measurements demonstrate one (1) or more of the conditions in paragraphs (7)(B)1.–*[4.]***2.** of this rule. Systems that use lime softening may apply to the department for alternative exceedance levels for the levels specified in this subsection (7)(B) if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

1. Surface water systems that serve more than ten thousand (10,000) people must report the individual filter turbidity measurement results within ten (10) days after the end of each month only if measurements demonstrate one (1) or more of the following conditions.

*[1.]***A.** For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within seven (7) days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

*[2.]***B.** For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart at the end of the first four (4)

hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the system must report the filter number, the turbidity, and the date(s) on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within seven (7) days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

*[3.]***C.** For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart at any time in each of three (3) consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must conduct a self-assessment of the filter within fourteen (14) days of the exceedance and report that the self-assessment was conducted. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report.

*[4.]***D.** For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart at any time in each of two (2) consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must arrange for the conduct of a Comprehensive Performance Evaluation by the department or a third party approved by the department no later than thirty (30) days following the exceedance and have the evaluation completed and submitted to the department no later than ninety (90) days following the exceedance.

*[A.]***(I)** The Comprehensive Performance Evaluation is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a Comprehensive Performance Evaluation report.

*[B.]***(II)** If the Comprehensive Performance Evaluation results indicate improved performance potential, the system shall implement Comprehensive Technical Assistance. The system must identify and systematically address plant-specific factors. The Comprehensive Technical Assistance is a combination of utilizing Comprehensive Performance Evaluation results as a basis for follow-up, implementing process control priority-setting techniques, and maintaining long-term involvement to systematically train staff and administrators.

2. Surface water systems that serve less than ten thousand (10,000) people must report the individual filter turbidity measurements within ten (10) days after the end of each month only if measurements demonstrate one (1) or more of the following conditions.

A. For any individual filter that exceeds 1.0 NTU in two (2) consecutive recordings fifteen (15) minutes apart, the system must report the filter number(s), corresponding date(s), turbidity value(s) which exceeded 1.0 NTU, and the cause (if known) for the exceedance(s).

B. For any individual filter that for three (3) months in a row the turbidity exceeded 1.0 NTU in two (2) consecutive recordings fifteen (15) minutes apart, the system must conduct a self-assessment of the filter(s) within fourteen (14) days of the triggering event. The system must report the date self-assessment was triggered and the date it was completed. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report. The filter self-assessment is not required if a comprehensive performance evaluation (CPE) was required.

C. For any individual filter that for two (2) months in a row the turbidity exceeded 2.0 NTU in two (2) consecutive recordings, fifteen (15) minutes apart, the system must arrange to have a CPE conducted not later than sixty (60) days following the triggering event. The CPE must be conducted by the department or a third party approved by the department. If a CPE has been completed by the department or a third party approved by the department within the twelve (12) prior months or the system and department are jointly participating in an ongoing Comprehensive Technical Assistance (CTA) project at the system, a new CPE is not required. If conducted, a CPE must be completed and submitted to the department no later than one hundred twenty (120) days following the triggering event.

(C) Additional turbidity reporting requirements. Reporting requirements for turbidity exceedences are in 10 CSR 60-4.050(3).

(9) A supplier of water *[is required to]* **shall** submit proof to the department that public notification has been made within ten (10) days of the date that the notice was to have been made **for initial public notice and any repeat notices**. *[Proof of public notification may include, but is not limited to, a copy of the affidavit of publication, a copy of the public notice, a copy of the mailing list of people sent the public notice or a picture of the posted notices.]* **The supplier of water shall provide a certification he/she has fully complied with the public notification regulations, and shall provide a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.**

AUTHORITY: section 640.100, RSMo Supp. [1999] 2002. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed July 12, 1991, effective Feb. 6, 1992. Amended: Filed Dec. 15, 1999, effective Sept. 1, 2000. Amended: Filed March 17, 2003.

PUBLIC COST: This proposed amendment is estimated to cost the Department of Natural Resources sixty thousand three hundred thirty-four dollars ($60,334) in the aggregate in annualized salary and expenses for the duration of the rule and seventeen thousand eight hundred seventy-four dollars ($17,874) in one-time costs. Any other expenditures of money are caused by the federal rule and must be incurred regardless of whether the proposed amendment is adopted or not.

PRIVATE COST: This proposed amendment is estimated to cost private entities less than five hundred dollars ($500) in the aggregate. Any expenditures of money are caused by the federal rule and must be incurred regardless of whether the proposed amendment is adopted or not.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or in opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In

*preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10
Division: 60
Chapter: 7
Type of Rulemaking: Proposed Amendment
Rule Number & Name: 10 CSR 60-7.010 Reporting Requirements

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate Shown as an Annualized Cost
Missouri Department of Natural Resources	annual salary and expenses $60,334 one-time equipment costs $17,874

III. WORKSHEET

1.0 FTE Environmental Engineer III = $47,100 annual salary + $13,234 annual expenses + $17,874 one-time equipment costs

IV. ASSUMPTIONS

The Department of Natural Resources (DNR) will have additional staffing requirements over and above the requirements of the existing rule. Small water systems will now be required to report to DNR and take other actions based on the results of individual filter monitoring. Systems will likely need assistance from DNR staff in preparing filter profiles, filter assessments and specific reporting required by the rule. These reports will need to be reviewed by Public Drinking Water Program staff and appropriate action taken when water systems are not in compliance. Due to limited resources and other constraints with these small water systems, significant compliance issues can be expected in some cases. In these situations a Comprehensive Performance Evaluation (CPE) will be required. DNR staff will be needed to conduct these CPE's and provide appropriate follow-up.

The specific resources needed will be approximately 1.0 FTE. Based on an Environmental Engineer III classification, the cost would be $47,100 annually for salary and $17,874 one-time for equipment and $13,234 annually for expenses.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 8—Public Notification

PROPOSED RESCISSION

10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply. This rule established public notice requirements and methods for notifying the public of violations of drinking water rules and grants of variances and exemptions.

PURPOSE: This rule is being proposed for rescission and readoption in order to adopt new federal public notice requirements which were published in the May 4, 2000 ***Federal Register*** *(65 FR 25981) and became effective in Missouri on May 4, 2002. Due to the nature of the changes, the commission has determined that rescinding and readopting the rule would present the new requirements more clearly than a proposed amendment. If the adoption of the new rule is not completed, this rescission will be withdrawn and the existing rule will remain in effect.*

The federal rule, fact sheets, and supporting documents are available at most public libraries and on the Internet at http://www.epa.gov/safewater/pn.html, or from the Public Drinking Water Program at (573) 751-5331.

AUTHORITY: section 640.100, RSMo Supp. 1999. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed Aug. 4, 1987, effective Jan. 1, 1988. Rescinded and readopted: Filed June 2, 1988, effective Aug. 31, 1988. Amended: Filed Dec. 4, 1990, effective July 8, 1991. Amended: Filed March 31, 1991, effective Dec. 3, 1992. Amended: Filed Aug. 4, 1992, effective May 6, 1993. Amended: Filed May 4, 1993, effective Jan. 13, 1994. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed Dec. 15, 1999, effective Sept. 1, 2000. Rescinded: Filed March 17, 2003.

PUBLIC COST: This proposed rescission is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or in opposition to this proposed rescission. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the ***Missouri Register*** *page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 8—Public Notification

PROPOSED RULE

10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply

PURPOSE: This rule establishes the timing, content, method and other requirements for notifying the public of violations of the public drinking water rules, situations with potential to have adverse effects on human health, and grants of variances and exemptions. Public notice requirements are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation are determined by the tier to which it is assigned.

(1) General Information and Requirements.

(A) Types of Violations and Other Situations Requiring Public Notice.

1. Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant levels (MRDL).
2. Failure to comply with a prescribed treatment technique.
3. Failure to perform required water quality monitoring as required by drinking water regulations.
4. Failure to comply with testing procedures as prescribed by a drinking water regulation.
5. Operation under a variance or an exemption.
6. Failure to comply with the requirements of any schedule that has been set under a variance or exemption.
7. Special public notice.
8. Occurrence of a waterborne disease outbreak or other waterborne emergency.
9. Exceedance of the nitrate MCL by noncommunity water systems where granted permission by the department;
10. Exceedance of the secondary maximum contaminant level (SMCL) for fluoride.
11. Availability of unregulated contaminant monitoring data.
12. Other violations and situations determined by the department to require a public notice.

(B) Type of Notice Required for Each Violation or Situation. Public notice requirements are divided into three (3) tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The three (3) tiers are described and specific requirements are set forth in sections (2)–(4) of this rule. The public notice requirements for each violation or situation are determined by the tier to which it is assigned.

(C) Persons Notified and Responsibility for Public Notice.

1. The owner or operator of the public water system shall provide public notice to persons served by the water system in accordance with this rule. Public water systems that sell or otherwise provide drinking water to other public water systems (that is, to consecutive systems) are required to give public notice to the owner or operator of the consecutive system. The consecutive system is responsible for providing public notice to the persons it serves.
2. If the public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the department may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. The department's approval will be in writing.
3. A copy of the public notice shall be sent to the department within ten (10) days of completion of notifying the affected public.

(2) Tier 1 Public Notice.

(A) Violation Categories and Other Situations Requiring a Tier 1 Public Notice.

1. Tier 1 public notice is required for violations or other situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.
2. Specific violations and other situations requiring Tier 1 notice include:

A. Violation of the MCL for total coliforms when fecal coliform or *E. coli* are present in the water distribution system, or when

the water system fails to test for fecal coliforms or *E. coli* when any repeat sample tests positive for coliform;

B. Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, or when the water system fails to take a confirmation sample within twenty-four (24) hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL;

C. Exceedance of the nitrate MCL by noncommunity water systems where permitted by the department to exceed the MCL;

D. Violation of the MRDL for chlorine dioxide, when one (1) or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system, exceed the MRDL, or when the water system does not take the required samples in the distribution system;

E. Violation of the maximum turbidity level where the sample results exceed five (5) nephelometric turbidity units (NTU);

F. Violation of a treatment technique requirement pursuant to 10 CSR 60-4.050 resulting from a single exceedance of the maximum allowable turbidity limit, where the department determines after consultation that the violation has significant potential to have serious adverse effects on human health or where the system fails to consult with the department within twenty-four (24) hours after the system learns of the violation;

G. Occurrence of a waterborne disease outbreak or other waterborne emergency (such as failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);

H. Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the department either in regulation or on a case-by-case basis.

(B) Timing of Tier 1 Public Notice. The public water system owner or operator shall:

1. Provide public notice as soon as practical but no later than twenty-four (24) hours after the system learns of the violation or situation;

2. Initiate consultation with the department to determine any additional public notice requirements as soon as practical, but no later than twenty-four (24) hours after the public water system learns of the violation or situation, except that the department may allow additional time in the event of extenuating circumstances beyond the control of the public water system, such as a natural disaster; and

3. Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the department. Such requirements may include the time, form, manner, frequency, and content of repeat notice (if any) and other actions designed to reach all persons served.

(C) Form and Manner of Tier 1 Public Notice.

1. The owner or operator of the public water system shall use the health effects language in section (11) of this rule for MCL violations requiring Tier 1 public notice.

2. Tier 1 public notice shall be provided within twenty-four (24) hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but shall be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, water system shall use, at a minimum, one (1) or more of the following forms of delivery:

A. Appropriate broadcast media, such as radio and television;

B. Posting the notice in conspicuous locations throughout the area served by the water system;

C. Hand delivery of the notice to persons served by the water system; or

D. Another delivery method approved in writing by the department.

(3) Tier 2 Public Notice.

(A) Violation Categories and Other Situations Requiring a Tier 2 Public Notice.

1. Tier 2 public notice is required for violations and other situations with potential to have serious adverse effects on human health.

2. Specific violations and other situations requiring Tier 2 notice.

A. Tier 2 notice is required for violations of MCL, MRDL, or treatment technique requirements, except where a Tier 1 notice is required or where the department determines that a Tier 1 notice is required, for the following: microbiological contaminants; inorganic contaminants (IOCs); synthetic organic contaminants (SOCs); volatile organic contaminants (VOCs); radiological contaminants; disinfection byproducts, byproduct precursors, and disinfectant residuals; treatment techniques for acrylamide, epichlorohydrin, lead, and copper; and other situations determined by the department to require Tier 2 notice. Systems with treatment technique violations involving a single exceedance of a maximum turbidity limit under 10 CSR 60-4.050 must initiate consultation with the department within twenty-four (24) hours of learning of the violation. Based on this consultation the department may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the department in the twenty-four (24)-hour period, the violation is automatically elevated to Tier 1.

B. Failure to comply with the terms and conditions of a variance or exemption; and

C. Violations of the monitoring and testing procedure requirements where the department determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation. This includes but is not limited to collecting no total coliform samples during the applicable monitoring period at the discretion of the department.

(B) Timing of Tier 2 Public Notice.

1. Public water systems must provide the public notice as soon as possible, but not later than thirty (30) days after the system learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven (7) days, even if the violation or situation is resolved. The department may, in appropriate circumstances, allow additional time for the initial notice of up to three (3) months from the date the system learns of the violation. The department will not grant an extension to the thirty (30)-day deadline for any unresolved violation or provide across-the-board extensions for other violations or situations requiring a Tier 2 public notice. Extensions granted by the department will be in writing.

2. The public water system must repeat the notice every three (3) months as long as the violation or situation persists, unless the department determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. The department will not allow less frequent repeat notice for an MCL violation pursuant to 10 CSR 60-4.020 or a treatment technique violation pursuant to 10 CSR 60-4.050. The department will not allow across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. The department's determinations allowing repeat notices to be given less frequently than once every three (3) months will be in writing.

3. For violations of the maximum turbidity level and for violations of the treatment technique requirements pursuant to 10 CSR 60-4.050 resulting from a single exceedance of the maximum allowable turbidity limit, public water systems must consult with the department as soon as practical but no later than twenty-four (24) hours after the public water system learns of the violation to determine whether a Tier 1 public notice is required to protect public health. When consultation does not take place within the twenty-four (24)-hour period, the water system must distribute a Tier 1 notice of the violation within the next twenty-four (24) hours (that is, no later than forty-eight (48) hours after the system learns of the violation).

(C) Form and Manner of Tier 2 Public Notice. Public water systems must provide the initial public notice and any repeat notices in a form and manner reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system but must at a minimum meet the following requirements:

1. Unless directed otherwise by the department in writing, community water systems must provide notice by:

A. Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

B. Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by mail or direct delivery. Such persons may include those who do not pay water bills or do not have service connection addresses (for example, house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). These other methods may include: Publication in a local newspaper or newsletter; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places served by the system or on the Internet; or delivery to community organizations.

2. Unless directed otherwise by the department in writing, noncommunity water systems must provide notice by:

A. Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

B. Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by posting in a conspicuous location, mail, or direct delivery. Such persons include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. These other methods may include: Publication in a local newspaper or newsletter distributed to customers; use of e-mail to notify employees or students; or delivery of multiple copies in central locations (for example, community centers).

(4) Tier 3 Public Notice.

(A) Violation Categories and Other Situations Requiring a Tier 3 Public Notice.

1. Tier 3 public notice is required for all other violations and situations not included in Tier 1 and Tier 2.

2. Specific violations and other situations requiring Tier 3 public notice include:

A. Monitoring violations or failure to comply with a testing procedure, except where a Tier 1 notice is specifically required or where the department determines that a Tier 2 notice is required, for the following: microbiological contaminants; inorganic contaminants (IOCs); synthetic organic contaminants (SOCs); volatile organic contaminants (VOCs); radiological contaminants; disinfection byproducts, byproduct precursors, and disinfectant residuals; treatment techniques for lead, and copper. Specific exceptions are listed under sections (2) and (3) of this rule;

B. Operation under a variance or exemption;

C. Exceedance of the fluoride SMCL; and

D. Other violations or situations determined by the department either in regulation or on a case-by-case basis.

(B) Timing of Tier 3 Public Notice.

1. Public water systems must provide the public notice not later than one (1) year after the public water system learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the public water system must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, situation, variance or exemption persists, but in no case less than seven (7) days (even if the violation or situation is resolved).

2. Instead of individual Tier 3 public notices, a public water system may use an annual report detailing all violations and situations that occurred during the previous twelve (12) months as long as the timing requirements of paragraph (4)(B)1. of this rule are met.

(C) Form and Manner of Tier 3 Public Notice. Public water systems must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

1. Unless directed otherwise by the department in writing, community water systems must provide notice by:

A. Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

B. Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by mail or other direct delivery. Such persons may include those who do not pay water bills or do not have service connection addresses (for example, house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (for example, apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations.

2. Unless directed otherwise by the department in writing, noncommunity water system must provide notice by:

A. Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

B. Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by posting, mail, or direct delivery. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include: Publication in a local newspaper or newsletter distributed to customer; use of e-mail to notify employees or students; or, delivery of multiple copies in central location (for example, community center).

(D) Use of Consumer Confidence Report to Meet Tier 3 Requirement. The Consumer Confidence Report (CCR) may be used for the Tier 3 public notice as long as:

1. The CCR is provided to persons served no later than twelve (12) months after the system learns of the violation or situation.

2. The Tier 3 notice contained in the CCR follows the content requirements under section (5) of this rule; and

3. The CCR is distributed following the delivery requirements under subsection (4)(C) of this rule.

(5) Content of the Public Notice.

(A) Public Notice for Violations and Other Situations, Including Violation of a Condition of a Variance or Exemption. The public notice must include:

1. A description of the violation or situation, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

2. When the violation or situation occurred;

3. Any potential adverse health effects from the violation or situation including the standard language under paragraph (5)(D)1. or (5)(D)2. of this rule, whichever is applicable;

4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;

5. Whether alternative water supplies should be used;

6. What actions consumers should take, including when they should seek medical help, if known;

7. What the system is doing to correct the violation or situation;

8. When the water system expects to return to compliance or resolve the situation;

9. The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice; and

10. A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under paragraph (5)(D)3. of this rule, where applicable.

(B) Public Notice for Variances and Exemptions. If a public water system has been granted a variance or an exemption, the public notice must contain:

1. An explanation of the reasons for the variance or exemption;

2. The date on which the variance or exemption was issued.

3. A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and

4. A notice of any opportunity for the public input in the review of the variance or exemption.

(C) Presentation of the Public Notice.

1. Each public notice:

A. Must be displayed in a conspicuous way when printed or posted;

B. Must not contain overly technical language or very small print;

C. Must not be formatted in a way that defeats the purpose of the notice;

D. Must not contain language which nullifies the purpose of the notice.

2. Each public notice must comply with multilingual requirements.

A. Where the department has determined the public water system serves a large proportion of non-English speaking consumers, the public notice must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the notice or to request assistance in the appropriate language.

B. Where the department has not made a determination regarding the proportion of non-English speaking consumers, the public notice must contain the same information as in subparagraph (5)(C)2.A. of this rule.

C. Where the department has determined there is not a large proportion of non-English speaking customers, no multilingual requirement applies.

(D) Standard Language Included in the Notice. Public water system owners and operators are required to include the following standard language in their public notice:

1. For MCL, MRDL, and treatment technique violations, and violation of the condition of a variance or exemption, the public notice must include the health effects language specified in section (11) of this rule corresponding to the violation.

2. Public water systems must include the following language in their notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations requiring public notice: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During {compliance period}, we {"did not monitor or test"} or {"did not complete all monitoring or testing"} for {contaminants(s)} and therefore cannot be sure of the quality of your drinking water during that time."

3. Public water systems must include the following language in their notice (where applicable) to encourage the distribution of the public notice to all persons served: "Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail."

(6) Notice to New Billing Units or Customers.

(A) Community Water Systems. Community water systems must give a copy of the most recent public notice for any continuing violation, the existence of a variance or exemption, or other ongoing situations requiring a public notice to all new billing units or new customers prior to or at the time service begins.

(B) Non-Community Water Systems. Non-community water systems must continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, variance or exemption, or other situation requiring a public notice for as long as the violation, variance, exemption, or other situation persists.

(7) Special Notice for the Availability of Unregulated Contaminant Monitoring Results.

(A) Timing of the Special Notice. The owner or operator of a community water system or non-transient non-community water system required to monitor for unregulated contaminants under Environmental Protection Agency's (EPA's) Unregulated Contaminant Monitoring Rule must notify persons served by the system of the availability of the results of such sampling no later than twelve (12) months after the monitoring results are known.

(B) Form and Manner of Special Notice. The form and manner of the public notice shall follow the requirements for a Tier 3 public notice. The notice shall also identify a person and provide the telephone number to contact for information on the monitoring results.

(8) Special Notice for the Exceedance of the Secondary Maximum Contaminant Level (SMCL) for Fluoride.

(A) Timing of the Special Notice. Community water systems that exceed the fluoride SMCL of 2 mg/L determined by the last single sample taken in accordance with 10 CSR 60-4.030, but do not exceed the MCL of 4 mg/L for fluoride must provide the public notice in subsection (8)(C) of this rule to persons served. Public notice must be provided as soon as practical but no later than twelve (12) months from the day the water system learns of the exceedance. A copy of the notice must also be provided to all new billing units and customers at the time service begins and to the state public health officer. The public water system must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven (7) days (even if the exceedance is eliminated). On a case-by-case basis, the department may require an initial notice sooner than twelve (12) months and repeat notices more frequently than annually.

(B) Form and Manner of the Special Notice. The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in subsection (4)(C) and paragraphs (4)(D)1. and (4)(D)3.

(C) Mandatory Language. The notice must contain the following language, including language necessary to fill in the blanks:

"This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system {name} has a fluoride concentration of {insert value} mg/L.

"Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by

young children of fluoride-containing products. Older children and adults may safely drink the water.

"Drinking water containing more than 4 mg/L of fluoride (the maximum contaminant level for fluoride) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/L of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/L because of this cosmetic dental problem.

"For more information, please call {name of community water system} at {phone number}. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP."

(9) Special Notice for Nitrate Exceedances Above the MCL by Non-Community Water Systems.

(A) The owner or operator of a non-community water system granted permission by the department to exceed the nitrate MCL shall provide notice to persons served according to the requirements for a Tier 1 notice.

(B) The owner or operator shall provide continuous posting of the fact that nitrate levels exceed 10 mg/L and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under section (2) and the content requirements under section (5) of this rule.

(10) Notice Given by the Department on Behalf of the Public Water System.

(A) The department may give the notice required by this rule on behalf of the owner and operator of the public water system.

(B) The owner or operator of the public water system remains responsible for ensuring that the requirements of this rule are met.

(11) Standard Health Effects Language for Public Notification.

(A) Microbiological Contaminants.

1. Total coliform. "Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems."

2. Fecal coliform/*E. coli*. "Fecal coliforms and *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems."

3. Turbidity. "Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches."

(B) Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long-Term 1 Enhanced Surface Water Treatment Rule, and Filter Backwash Recycling Rule (FBRR) Violations.

1. *Giardia lamblia*. "Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."

2. Viruses. "Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."

3. Heterotrophic plate count (HPC) bacteria. "Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."

4. Legionella. "Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."

5. Cryptosporidium. "Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."

(C) Inorganic Chemicals (IOCs).

1. Antimony. "Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar."

2. Arsenic. "Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer."

3. Asbestos (>10 μm). "Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps."

4. Barium. "Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure."

5. Beryllium. "Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions."

6. Cadmium. "Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage."

7. Chromium (total). "Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis."

8. Cyanide. "Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid."

9. Fluoride. "Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth, before they erupt from the gums."

10. Mercury (inorganic). "Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage."

11. Nitrate. "Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome."

12. Nitrite. "Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome."

13. Total Nitrate and Nitrite. "Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome."

14. Selenium. "Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation."

15. Thallium. "Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver."

(D) Lead and Copper Rule.

1. Lead. "Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure."

2. Copper. "Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor."

(E) Synthetic Organic Chemicals (SOCs).

1. 25. 2,4-D. "Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands."

2. 26. 2,4,5-TP (Silvex). "Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems."

3. Alachlor. "Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer."

4. Atrazine. "Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties."

5. Benzo(a)pyrene (PAHs). "Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer."

6. Carbofuran. "Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems."

7. Chlordane. "Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver, or nervous system, and may have an increased risk of getting cancer."

8. Dalapon. "Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes."

9. Di (2-ethylhexyl) adipate. "Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties."

10. Di (2-ethylhexyl) phthalate. "Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer."

11. Dibromochloropropane (DBCP). "Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer."

12. Dinoseb. "Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties."

13. Dioxin (2,3,7,8-TCDD). "Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer."

14. Diquat. "Some people who drink water containing diquat in excess of the MCL over many years could get cataracts."

15. Endothall. "Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines."

16. Endrin. "Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems."

17. Ethylene dibromide. "Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer."

18. Glyphosate. "Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties."

19. Heptachlor. "Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer."

20. Heptachlor epoxide. "Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer."

21. Hexachlorobenzene. "Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer."

22. Hexachlorocyclopentadiene. "Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach."

23. Lindane. "Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver."

24. Methoxychlor. "Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties."

25. Oxamyl (Vydate). "Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects."

26. Pentachlorophenol. "Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer."

27. Picloram. "Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver."

28. Polychlorinated biphenyls (PCBs). "Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer."

29. Simazine. "Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood."

30. Toxaphene. "Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer."

(F) Volatile Organic Chemicals (VOCs).

1. Benzene. "Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer."

2. Carbon tetrachloride. "Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer."

3. Chlorobenzene (monochlorobenzene). "Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

4. o-Dichlorobenzene. "Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems."

5. p-Dichlorobenzene. "Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood."

6. 1,2-Dichloroethane. "Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer."

7. 1,1-Dichloroethylene. "Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver."

8. cis-1,2-Dichloroethylene. "Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver."

9. trans-1,2-Dichloroethylene. "Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver."

10. Dichloromethane. "Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer."

11. 1,2-Dichloropropane. "Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer."

12. Ethylbenzene. "Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys."

13. Styrene. "Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system."

14. Tetrachloroethylene. "Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer."

15. Toluene. "Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver."

16. 1,2,4-Trichlorobenzene. "Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands."

17. 1,1,1-Trichloroethane. "Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system."

18. 1,1,2-Trichloroethane. "Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems."

18. Trichloroethylene. "Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer."

19. Vinyl chloride. "Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer."

20. Xylenes (total). "Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system."

(G) Radioactive Contaminants.

1. Beta/photon emitters. "Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer."

2. Alpha emitters (Gross alpha). "Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer."

3. Combined radium (226 & 228). "Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer."

4. Uranium. "Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity."

(H) Disinfection Byproducts, Byproduct Precursors, and Disinfectant Residuals.

1. Total trihalomethanes (TTHMs). "Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer."

2. Haloacetic Acids (HAA). "Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer."

3. Bromate. "Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer."

4. Chlorite. "Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia."

5. Chlorine. "Some people who use drinking water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort."

6. Chloramines. "Some people who use drinking water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia."

7. Chlorine dioxide.

A. Where any two (2) consecutive daily samples taken at the entrance to the distribution system are above the MRDL. "Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers."

B. Where one (1) or more distribution system samples are above the MRDL. "Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. The chlorine dioxide violations reported today include exceedances of the EPA standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure."

8. DBP precursors (TOC). "Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking

water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer."

(I) Other Treatment Techniques.

1. Acrylamide. "Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer."

2. Epichlorohydrin. "Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer."

*AUTHORITY: section 640.100, RSMo Supp. **2002**. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed March 17, 2003.*

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate because the rule replaces an existing rule that will continue to be in effect if this rule is not adopted. Overall, this rule is expected to be a cost-savings to publicly-owned water systems compared to the existing requirements. Also, the rule adopts federal requirements already in effect in Missouri; any expenditure of funds is already required by the federal rule regardless of this rulemaking.

PRIVATE COST: This proposed rule is estimated to cost private entities less than five hundred dollars ($500) in the aggregate because the rule replaces an existing rule that will continue to be in effect if this rule is not adopted. Overall, this rule is expected to be a cost-savings to privately-owned water systems compared to the existing requirements. Also, the rule adopts federal requirements already in effect in Missouri; any expenditure of funds is already required by the federal rule regardless of this rulemaking.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or in opposition to this proposed rule. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 8—Public Notification

PROPOSED AMENDMENT

10 CSR 60-8.030 Consumer Confidence Reports. The commission is amending subsections (2)(C), (2)(D), (3)(B), and (5)(I) and Appendices A, B, and C.

PURPOSE: This amendment adds Consumer Confidence Report (CCR) requirements for disinfectants and disinfection by-products, changes the CCR retention time from five years to three to match the federal requirement, expands health effects language for fluoride, and amends CCR requirements for arsenic. These changes will ensure state requirements are consistent with federal primacy rules and are also intended to ensure that water system customers are informed on the quality of drinking water provided by the community water system.

*These changes are made to the federal CCR requirements by several rules, including the Disinfectants/Disinfection By-Products, Public Notice, and Arsenic Rules, and Minor Revisions to the CCR and Public Notice Rules. The federal rules provide background information and are published in the December 16, 1998 (63 FR 69390), May 4, 2000 (65 FR 25981), January 22, 2001 (66 FR 6976), and September 7, 2001 (66 FR 46927) **Federal Registers**. The federal rules, fact sheets, and other background information are available on-line at http://www.epa.gov/safewater/pn.html, or by calling the Public Drinking Water Program at (573)751-5331.*

(2) Content of the Reports.

(C) Definitions.

1. Each report must include the following definitions:

A. Maximum contaminant level goal or MCLG—The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety; and

B. Maximum contaminant level or MCL—The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

2. A report for a community water system operating under a variance or an exemption issued under 10 CSR 60-6.010 or 10 CSR 60-6.020 must include the following definition*[:]***—**Variances and exemptions—State permission not to meet an MCL or a treatment technique under certain conditions.

3. A report *[which]* **that** contains data on a contaminant *[for which]* **that** the department *[has set a treatment technique or an action level must include one (1) or both of]* **regulates using the following terms must use** the following definitions as applicable:

A. Treatment technique—A required process intended to reduce the level of a contaminant in drinking water; *[and]*

B. Action level—The concentration of a contaminant which, if exceeded, triggers treatment or other requirements with which a water system must comply*[.]***;**

C. Maximum residual disinfectant level goal or MRDLG—The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants; and

D. Maximum residual disinfectant level or MRDL—The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

(D) Information on Detected Contaminants.

1. Subsection (2)(D) specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except Cryptosporidium). It applies to—

A. Contaminants subject to an MCL, action level, **maximum residual disinfectant level,** or treatment technique (regulated contaminants);

B. Contaminants for which monitoring is required by 10 CSR 60-4.110 (unregulated contaminants); and

C. Disinfection by-products or microbial contaminants for which monitoring is required by 40 CFR 141.142 and 141.143, except as provided under paragraph (2)(E)1. of this rule, and which are detected in the finished water.

2. The data relating to these contaminants must be displayed in one (1) table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in its report must be displayed separately.

3. The data must be derived from data collected to comply with Environmental Protection Agency and department monitoring and analytical requirements during the previous calendar year except that—

A. Where a system is allowed to monitor for regulated contaminants less often than once a year, the table(s) must include the

date and results of the most recent sampling and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. The system may use the following language or similar language for their statement: "The state has reduced monitoring requirements for certain contaminants to less often than once per year because the concentrations of these contaminants are not expected to vary significantly from year to year. Some of our data (for example, for organic contaminants), though representative, is more than one year old." No data older than five (5) years need be included.

B. Results of monitoring in compliance with 40 CFR 141.142 and 141.143 need only be included for five (5) years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

4. For detected regulated contaminants (listed in Appendix A to this rule), the table(s) must contain—

A. The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in Appendix A to this rule);

B. The MCLG for that contaminant expressed in the same units as the MCL;

C. If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level applicable to that contaminant, and the report must include the definitions for treatment technique and/or action level, as appropriate, specified in paragraph (2)(C)3. of this rule;

D. For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with 10 CSR 60-4.030; 10 CSR 60-4.040; 10 CSR 60-4.060; 10 CSR 60-4.090; 10 CSR 60-4.100 and the range of detected levels, as follows (when rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix A of this rule):

(I) When compliance with the MCL is determined annually or less frequently—The highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL;

(II) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point—the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL; and

(III) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points—the average and range of detection expressed in the same units as the MCL;

E. For turbidity: The highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in 10 CSR 60-4.050.

(I) The report should include an explanation of the reasons for measuring turbidity, such as: "Turbidity is a measure of the cloudiness of water. We monitor turbidity because it is a good indicator of the effectiveness of our filtration system."

(II) If an explanation of the reasons for measuring turbidity is included, it does not have to be included in the table but may be added as a footnote or narrative associated with the table;

F. For lead and copper, the ninetieth percentile value of the most recent round of sampling, the number of sampling sites exceeding the action level in that round, and the most recent source water results;

G. For total coliform—

(I) The highest monthly number of positive compliance samples for systems collecting fewer than forty (40) samples per month; or

(II) The highest monthly percentage of positive compliance samples for systems collecting at least forty (40) samples per month;

H. For fecal coliform or *E. Coli*: The total number of positive compliance samples; and

I. The likely source(s) of detected regulated contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one (1) or more of the typical sources for that contaminant which are most applicable to the system. The typical sources for a given contaminant are listed in Appendix B to this rule.

5. If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table should contain a separate column for each service area and the report should identify each separate distribution system. Alternatively, systems could produce separate reports tailored to include data for each service area.

6. The table(s) must clearly identify any data indicating violations of MCLs or treatment techniques and the report must contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system must use the relevant language of Appendix C to this rule.

7. For detected unregulated contaminants for which monitoring is required (except Cryptosporidium), the table(s) must contain the average and range at which the contaminant was detected. When detects of unregulated contaminants are reported, the report may include a brief explanation of the reasons for monitoring for unregulated contaminants using language such as: "Unregulated contaminants are those for which EPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist EPA in determining the occurrence of unregulated contaminants in drinking water and whether future regulation is warranted. Information on all the contaminants that were monitored for, whether regulated or unregulated, can be obtained from this water system or the Department of Natural Resources."

(3) Required Additional Health Information.

(B) **Arsenic.**

1. A system *[which]* **that** detects arsenic at levels above *[twenty-five micrograms per liter (25 µg/l) , but below the MCL:]* **0.005 mg/L and up to and including 0.01 mg/L**

*[1. M]***m**ust include in its report a short informational statement about arsenic, using language such as: *["Arsenic is a naturally-occurring mineral known to cause cancer in humans at high concentrations. The Environmental Protection Agency is reviewing the drinking water standard for arsenic because of special concerns that it may not be stringent enough."]* **"While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems." The system**

*[2. M]***m**ay write its own educational statement, but only in consultation with the department.

2. Beginning in the report due by July 1, 2002 and ending January 22, 2006, a community water system that detects arsenic above 0.01 mg/L and up to and including 0.05 mg/L must include the arsenic health effects language prescribed by Appendix C of this rule.

(4) Report Delivery and Record Keeping.

(I) Any system subject to this rule must retain copies of its consumer confidence report for no less than *[five (5)]* **three (3)** years.

Appendix A to 10 CSR 60-8.030
Converting MCL Compliance Values for Consumer Confidence Reports

Key

AL = Action Level
MCL = Maximum Contaminant Level
MCLG = Maximum Contaminant Level Goal
MFL = million fibers per liter
mrem/year = millirems per year (a measure of radiation absorbed by the body)
NTU = Nephelometric Turbidity Units
pCi/l = picocuries per liter (a measure of radioactivity)
ppm = parts per million, or milligrams per liter (mg/l)
ppb = parts per billion, or micrograms per liter (mg/l)
ppt = parts per trillion, or nanograms per liter
ppq = parts per quadrillion, or picograms per liter
TT = Treatment Technique

Contaminant	**MCL in compliance units (mg/L)**	**multiply by . . .**	**MCL in CCR units**	**MCLG in CCR units**
Microbiological Contaminants				
1. Total Coliform Bacteria	**(Systems that collect 40 or more samples per month) ≥5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.**		(Systems that collect 40 or more samples per month) ≥5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.	0
2. Fecal coliform and *E. coli*	**0**		A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or *E. coli* positive.	0
3. Total organic carbon (ppm)	**TT**		**TT**	**n/a**
[3.] **4.** Turbidity	**TT**		TT (NTU)	n/a
Radioactive Contaminants				
[4.] **5.** Beta/photon emitters	4 mrem/yr		4 mrem/yr	0
[5.] **6.** Alpha emitters	15 pCi/l		15 pCi/l	0
[6.] **7.** Combined radium	5 pCi/l		5 pCi/l	0
8. Uranium (pCi/L)	**30μg/l**		**30**	**0**
Inorganic Contaminants				
[7.] **9.** Antimony	.006	1000	6 ppb	6

[8.] **10.** Arsenic	.05* **0.01****	1000	50 ppb* **10 ppb****	n/a * **0****
***These arsenic values are effective until Jan. 23, 2006. **These arsenic values are effective Jan. 23, 2006.**				
[9.] **11.** Asbestos	7 MFL		7 MFL	7
[10.] **12.** Barium	2		2 ppm	2
[11.] **13.** Beryllium	.004	1000	4 ppb	4
14. Bromate (ppb)	**.010**	**1000**	**10**	**0**
[12.] **15.** Cadmium	.005	1000	5 ppb	5
16. Chloramines (ppm)	**MRDL=4**		**MRDL=4**	**4**
17. Chlorine (ppm)	**MRDL=4**		**MRDL=4**	**4**
18. Chlorine dioxide (ppb)	**MRDL=.8**	**1000**	**MRDL=.8**	**800**
19. Chlorite (ppm)	**1**		**1**	**0.8**
[13.] **20.** Chromium	.1	1000	100 ppb	100
[14.] **21.** Copper	AL=1.3		AL=1.3 ppm	1.3
[15.] **22.** Cyanide	.2	1000	200 ppb	200
[16.] **23.** Fluoride	4		4 ppm	4
[17.] **24.** Lead	AL=.015	1000	AL=15 ppb	0
[18.] **25.** Mercury (inorganic)	.002	1000	2 ppb	2
[19.] **26.** Nitrate (as Nitrogen)	10		10 ppm	10
[20.] **27.** Nitrite (as Nitrogen)	1		1 ppm	1
[21.] **28.** Selenium	.05	1000	50 ppb	50
[22.] **29.** Thallium	.002	1000	2 ppb	0.5
Synthetic Organic Contaminants Including Pesticides and Herbicides				
[23.] **30.** 2,4-D	.07	1000	70 ppb	70
[24.] **31.** 2,4,5-TP [Silvex]	.05	1000	50 ppb	50
[25.] **32.** Acrylamide			TT	0
[26.] **33.** Alachlor	.002	1000	2 ppb	0
[27.] **34.** Atrazine	.003	1000	3 ppb	3
[28.] **35.** Benzo(a)pyrene [PAH]	.0002	1,000,000	200 ppt	0
[29.] **36.** Carbofuran	.04	1000	40 ppb	40
[30.] **37.** Chlordane	.002	1000	2 ppb	0
[31.] **38.** Dalapon	.2	1000	200 ppb	200
[32.] **39.** Di(2-ethylhexyl)adipate	.4	1000	400 ppb	400
[33.] **40.** Di(2-ethylhexyl) phthalate	.006	1000	6 ppb	0
[34.] **41.** Dibromochloropropane	.0002	1,000,000	200 ppt	0
[35.] **42.** Dinoseb	.007	1000	7 ppb	7
[36.] **43.** Diquat	.02	1000	20 ppb	20
[37.] **44.** Dioxin [2,3,7,8-TCDD]	.00000003	1,000,000,000	30 ppq	0
[38.] **45.** Endothall	.1	1000	100 ppb	100
[39.] **46.** Endrin	.002	1000	2 ppb	2
[40.] **47.** Epichlorohydrin	**TT**		TT	0
[41.] **48.** Ethylene dibromide	.00005	1,000,000	50 ppt	0
[42.] **49.** Glyphosate	.7	1000	700 ppb	700
[43.] **50.** Heptachlor	.0004	1,000,000	400 ppt	0
[44.] **51.** Heptachlor epoxide	.0002	1,000,000	200 ppt	0
[45.] **52.** Hexachlorobenzene	.001	1000	1 ppb	0
[46.] **53.** Hexachloro-cyclopentadiene	.05	1000	50 ppb	50
[47.] **54.** Lindane	.0002	1,000,000	200 ppt	200
[48.] **55.** Methoxychlor	.04	1000	40 ppb	40
[49.] **56.** Oxamyl [Vydate]	.2	1000	200 ppb	200
[50.] **57.** PCBs [Polychlorinated biphenyls]	.0005	1,000,000	500 ppt	0

[51.] **58.** Pentachlorophenol	.001	1000	1 ppb	0
[52.] **59.** Picloram	.5	1000	500 ppb	500
[53.] 60. Simazine	.004	1000	4 ppb	4
[54.] **61.** Toxaphene	.003	1000	3 ppb	0
Volatile Organic Contaminants				
[55.] **62.** Benzene	.005	1000	5 ppb	0
[56.] **63.** Carbon tetrachloride	.005	1000	5 ppb	0
[57.] **64.** Chlorobenzene	.1	1000	100 ppb	100
[58.] **65.** o-Dichlorobenzene	.6	1000	600 ppb	600
[59.] **66.** p-Dichlorobenzene	.075	1000	75 ppb	75
[60.] **67.** 1,2-Dichloroethane	.005	1000	5 ppb	0
[61.] **68.** 1,1-Dichloroethylene	.007	1000	7 ppb	7
[62.] **69.** cis-1,2-Dichloroethylene	.07	1000	70 ppb	70
[63.] **70.** trans-1,2-Dichloroethylene	.1	1000	100 ppb	100
[64.] **71.** Dichloromethane	.005	1000	5 ppb	0
[65.] **72.** 1,2-Dichloropropane	.005	1000	5 ppb	0
[66.] **73.** Ethylbenzene	.7	1000	700 ppb	700
74. Haloacetic Acids (HAA) (ppb)	**.060**	**1000**	**60**	**n/a**
[67.] **75.** Styrene	.1	1000	100 ppb	100
[68.] **76.** Tetrachloroethylene	.005	1000	5 ppb	0
[69.] **77.** 1,2,4-Trichlorobenzene	.07	1000	70 ppb	70
[70.] **78.** 1,1,1-Trichloroethane	.2	1000	200 ppb	200
[71.] **79.** 1,1,2-Trichloroethane	.005	1000	5 ppb	3
[72.] **80.**Trichloroethylene	.005	1000	5 ppb	0
[73.] **81.** TTHMs [Total trihalomethanes]	.10/**.080**	1000	100/**80** ppb	n/a
[74.] **82.** Toluene	1		1 ppm	1
[75.] **83.** Vinyl Chloride	.002	1000	2 ppb	0
[76.] **84.** Xylenes	10		10 ppm	10

Appendix B to 10 CSR 60-8.030
Regulated Contaminants

Key

AL = Action Level
MCL = Maximum Contaminant Level
MCLG = Maximum Contaminant Level Goal
MFL = million fibers per liter
mrem/year = millirems per year (a measure of radiation absorbed by the body)
NTU = Nephelometric Turbidity Units
pCi/l = picocuries per liter (a measure of radioactivity)
ppm = parts per million, or milligrams per liter (mg/l)
ppb = parts per billion, or micrograms per liter (mg/l)
ppt = parts per trillion, or nanograms per liter
ppq = parts per quadrillion, or picograms per liter
TT = Treatment Technique

Contaminant (units)	MCLG	MCL	Major sources in drinking water
Microbiological Contaminants			
1. Total Coliform Bacteria	0	(Systems that collect 40 or more samples per month) ≥5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.	Naturally present in the environment.
2. Fecal coliform and *E. coli*	0	A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or *E. coli* positive.	Human and animal fecal waste.
3. Total organic carbon (ppm)	**n/a**	**TT**	**Naturally present in the environment.**
[3.] **4.** Turbidity	n/a	TT	Soil runoff.
Radioactive Contaminants			
[4.] **5.** Beta/photon emitters (mrem/yr)	0	4	Decay of natural and man-made deposits.
[5.] **6.** Alpha emitters (pCi/l)	0	15	Erosion of natural deposits.
[6.] **7.** Combined radium (pCi/l)	0	5	Erosion of natural deposits.
8. Uranium	**0**	**30**	**Erosion of natural deposits.**
Inorganic Contaminants			
[7.] **9.** Antimony (ppb)	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
[8.] **10.** Arsenic (ppb)	n/a[1] **0[2]**	50[1] **10[2]**	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.
[1]These arsenic values are effective until Jan. 23, 2006. **[2] These arsenic values are effective Jan. 23, 2006.**			
[9.] **11.** Asbestos (MFL)	7	7	Decay of asbestos cement water mains; Erosion of natural deposits.
[10.] **12.** Barium (ppm)	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.
[11.] **13.** Beryllium (ppb)	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries.
14. Bromate (ppb)	**0**	**10**	**By-product of drinking water disinfection.**

[12.] **15.** Cadmium (ppb)	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; runoff from waste batteries and paints.
16. Chloramines (ppm)	**MRDLG=4**	**MRDL=4**	**Water additive used to control microbes.**
17. Chlorine (ppm)	**MRDL=4**	**MRDL=4**	**Water additive used to control microbes.**
18. Chlorine dioxide (ppb)	**MRDLG=800**	**MRDL=800**	**Water additive used to control microbes.**
19. Chlorite (ppm)	**0.8**	**1**	**By-product of drinking water disinfection.**
[13.] **20.** Chromium (ppb)	100	100	Discharge from steel and pulp mills; Erosion of natural deposits.
[14.] **21.** Copper (ppm)	1.3	AL=1.3	Corrosion of household plumbing systems; Erosion of natural deposits*[; Leaching from wood preservatives]*.
[15.] **22.** Cyanide (ppb)	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories.
[16.] **23.** Fluoride (ppm)	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories.
[17.] **24.** Lead (ppb)	0	AL=15	Corrosion of household plumbing systems; Erosion of natural deposits.
[18.] **25.** Mercury [inorganic] (ppb)	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland.
[19.] **26.** Nitrate [as Nitrogen] (ppm)	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
[20.] **27.** Nitrite [as Nitrogen] (ppm)	1	1	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
[21.] **28.** Selenium (ppb)	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.
[22.] **29.** Thallium (ppb)	0.5	2	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories.
Synthetic Organic Contaminants Including Pesticides and Herbicides			
[23.] **30.** 2,4-D (ppb)	70	70	Runoff from herbicide used on row crops.
[24.] **31.** 2,4,5-TP [Silvex] (ppb)	50	50	Residue of banned herbicide.
[25.] **32.** Acrylamide	0	TT	Added to water during sewage/wastewater treatment.
[26.] **33.** Alachlor (ppb)	0	2	Runoff from herbicide used on row crops.
[27.] **34.** Atrazine (ppb)	3	3	Runoff from herbicide used on row crops.
[28.] **35.** Benzo(a)pyrene [PAH] (nanograms/l)	0	200	Leaching from linings of water storage tanks and distribution lines.
[29.] **36.** Carbofuran (ppb)	40	40	Leaching of soil fumigant used on rice and alfalfa.
[30.] **37.** Chlordane (ppb)	0	2	Residue of banned termiticide.
[31.] **38.** Dalapon (ppb)	200	200	Runoff from herbicide used on rights of way.
[32.] **39.** Di(2-ethylhexyl) adipate (ppb)	400	400	Discharge from chemical factories.
[33.] **40.** Di(2-ethylhexyl) phthalate (ppb)	0	6	Discharge from rubber and chemical factories.
[34.] **41.** Dibromochloropropane (ppt)	0	200	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
[35.] **42.** Dinoseb (ppb)	7	7	Runoff from herbicide used on soybeans and vegetables.
[36.] **43.** Diquat (ppb)	20	20	Runoff from herbicide use.

[37.] **44.** Dioxin [2,3,7,8-TCDD] (ppq)	0	30	Emissions from waste incineration and other combustion; Discharge from chemical factories.
[38.] **45.** Endothall (ppb)	100	100	Runoff from herbicide use.
[39.] **46.** Endrin (ppb)	2	2	Residue of banned insecticide.
[40.] **47.** Epichlorohydrin	0	TT	Discharge from industrial chemical factories; An impurity of some water treatment chemicals.
[41.] **48.** Ethylene dibromide (ppt)	0	50	Discharge from petroleum refineries.
[42.] **49.** Glyphosate (ppb)	700	700	Runoff from herbicide use.
[43.] **50.** Heptachlor (ppt)	0	400	Residue of banned termiticide.
[44.] **51.** Heptachlor epoxide (ppt)	0	200	Breakdown of heptachlor.
[45.] **52.** Hexachlorobenzene (ppb)	0	1	Discharge from metal refineries and agricultural chemical factories.
[46.] **53.** Hexachlorocyclopentadiene (ppb)	50	50	Discharge from chemical factories.
[47.] **54.** Lindane (ppt)	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens.
[48.] **55.** Methoxychlor (ppb)	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, and livestock.
[49.] **56.** Oxamyl [Vydate](ppb)	200	200	Runoff/leaching from insecticide used on apples, potatoes and tomatoes.
[50.] **57.** PCBs [Polychlorinated biphenyls] (ppt)	0	500	Runoff from landfills; Discharge of waste chemicals.
[51.] **58.** Pentachlorophenol (ppb)	0	1	Discharge from wood preserving factories.
[52.] **59.** Picloram (ppb)	500	500	Herbicide runoff.
[53.] **60.** Simazine (ppb)	4	4	Herbicide runoff.
[54.] **61.** Toxaphene (ppb)	0	3	Runoff/leaching from insecticide used on cotton and cattle.
Volatile Organic Contaminants			
[55.] **62.** Benzene (ppb)	0	5	Discharge from factories; Leaching from gas storage tanks and landfills.
[56.] **63.** Carbon tetrachloride (ppb)	0	5	Discharge from chemical plants and other industrial activities.
[57.] **64.** Chlorobenzene (ppb)	100	100	Discharge from chemical and agricultural chemical factories.
[58.] **65.** o-Dichlorobenzene (ppb)	600	600	Discharge from industrial chemical factories.
[59.] **66.** p-Dichlorobenzene (ppb)	75	75	Discharge from industrial chemical factories.
[60.] **67.** 1,2-Dichloroethane (ppb)	0	5	Discharge from industrial chemical factories.
[61.] **68.** 1,1-Dichloroethylene (ppb)	7	7	Discharge from industrial chemical factories.
[62.] **69.** cis-1,2-Dichloroethylene (ppb)	70	70	Discharge from industrial chemical factories.
[63.] **70.** trans-1,2-Dichloroethylene (ppb)	100	100	Discharge from industrial chemical factories.
[64.] **71.** Dichloromethane (ppb)	0	5	Discharge from pharmaceutical and chemical factories.
[65.] **72.** 1,2-Dichloropropane (ppb)	0	5	Discharge from industrial chemical factories.
[66.] **73.** Ethylbenzene (ppb)	700	700	Discharge from petroleum refineries.
74. Haloacetic Acids (HAA) (ppb)	**n/a**	**60**	**By-product of drinking water disinfection.**
[67.] **75.** Styrene (ppb)	100	100	Discharge from rubber and plastic factories; Leaching from landfills.
[68.] **76.** Tetrachloroethylene (ppb)	0	5	Discharge from factories and dry cleaners.
[69.] **77.** 1,2,4-Trichlorobenzene (ppb)	70	70	Discharge from textile-finishing factories.
[70.] **78.** 1,1,1-Trichloroethane (ppb)	200	200	Discharge from metal degreasing sites and other factories.
[71.] **79.** 1,1,2-Trichloroethane (ppb)	3	5	Discharge from industrial chemical factories.
[72.] **80.** Trichloroethylene (ppb)	0	5	Discharge from metal degreasing sites and other factories.
[73.] **81.** TTHMs [Total trihalomethanes] (ppb)	n/a	100/**80**	By-product of drinking water *[chlorination]* **disinfection**.
[74.] **82.** Toluene (ppm)	1	1	Discharge from petroleum factories.
[75.] **83.** Vinyl Chloride (ppb)	0	2	Leaching from PVC piping; Discharge from plastics factories.
[76.] **84.** Xylenes (ppm)	10	10	Discharge from petroleum factories; Discharge from chemical factories.

Appendix C to 10 CSR 60-*[6]*8.030
Health Effects Language

Microbiological Contaminants

(1) Total Coliform. "Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems."

(2) Fecal coliform/***E.Coli***. "Fecal coliforms and ***E. coli*** are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems."

(3) Total organic carbon. "Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection by-products. These by-products include trihalomethanes (THMs) and haloacetic acids (HAAs5). Drinking water containing these by-products in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer."

[(3)] **(4)** Turbidity. "Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."

Radioactive Contaminants

[(4)] **(5)** Beta/photon emitters. "Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer."

[(5)] **(6)** Alpha emitters. "Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer."

[(6)] **(7)** Combined Radium 226/228. "Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer."

(8) Uranium. "Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity."

Inorganic Contaminants

[(7)] **(9)** Antimony. "Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar."

[(8)] **(10)** Arsenic. "Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer."

[(9)] **(11)** Asbestos. "Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps."

[(10)] **(12)** Barium. "Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure."

[(11)] **(13)** Beryllium. "Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions."

(14) Bromate. "Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer."

[(12)] **(15)** Cadmium. "Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage."

(16) Chloramines. "Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drinking-water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia."

(17) Chlorine. "Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drinking-water containing chlorine well in excess of the MRDL could experience stomach discomfort."

(18) Chlorine dioxide. "Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia."

(19) Chlorite. "Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia."

[(13)] **(20)** Chromium. "Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis."

[(14)] **(21)** Copper. "Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor."

[(15)] **(22)** Cyanide. "Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid."

[(16)] **(23)** Fluoride. "Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. *[Children may get mottled teeth.]* **Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may incude brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums."**

[(17)] **(24)** Lead. "Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure."

[(18)] **(25)** Mercury (inorganic). "Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage."

[(19)] **(26)** Nitrate. "Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome."

[(20)] **(27)** Nitrite. "Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome."

[(21)] **(28)** Selenium. "Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation."

[(22)] **(29)** Thallium. "Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver."

Synthetic Organic Contaminants Including Pesticides and Herbicides

[(23)] **(30)** 2,4-D. "Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands."

[(24)] **(31)** 2,4,5-TP (Silvex). "Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems."

[(25)] **(32)** Acrylamide. "Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer."

[(26)] **(33)** Alachlor. "Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer."

[(27)] **(34)** Atrazine. "Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties."

[(28)] **(35)** Benzo(a)pyrene (PAH). "Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer."

[(29)] **(36)** Carbofuran. "Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems."

[(30)] **(37)** Chlordane. "Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer."

[(31)] **(38)** Dalapon. "Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes."

[(32)] **(39)** Di(2-ethylhexyl) adipate. "Some people who drink water containing di(2-ethylhexyl) adipate well in excess of the MCL over many years could experience *[general]* toxic effects **such as weight loss, liver enlargement,** or **possible** reproductive difficulties."

[(33)] **(40)** Di(2-ethylhexyl) phthalate. "Some people who drink water containing di(2-ethylhexyl) phthalate **well** in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer."

[(34)] **(41)** Dibromochloropropane (DBCP). "Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer."

[(35)] **(42)** Dinoseb. "Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties."

[(36)] **(43)** Dioxin (2,3,7,8-TCDD). "Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer."

[(37)] **(44)** Diquat. "Some people who drink water containing diquat in excess of the MCL over many years could get cataracts."

[(38)] **(45)** Endothall. "Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines."

[(39)] **(46)** Endrin. "Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems."

[(40)] **(47)** Epichlorohydrin. "Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer."

[(41)] **(48)** Ethylene dibromide. "Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer."

[(42)] **(49)** Glyphosate. "Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties."

[(43)] **(50)** Heptachlor. "Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer."

[(44)] **(51)** Heptachlor epoxide. "Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer."

[(45)] **(52)** Hexachlorobenzene. "Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer."

[(46)] **(53)** Hexachlorocyclopentadiene. "Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach."

[(47)] **(54)** Lindane. "Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver."

[(48)] **(55)** Methoxychlor. "Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties."

[(49)] **(56)** Oxamyl (Vydate). "Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects."

[(50)] **(57)** PCBs (Polychlorinated biphenyls). "Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer."

[(51)] **(58)** Pentachlorophenol. "Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer."

[(52)] **(59)** Picloram. "Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver."

[(53)] **(60)** Simazine. "Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood."

[(54)] **(61)** Toxaphene. "Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer."

Volatile Organic Contaminants

[(55)] **(62)** Benzene. "Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer."

[(56)] **(63)** Carbon Tetrachloride. "Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer."

[(57)] **(64)** Chlorobenzene. "Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys**."**

[(58)] **(65)** o-Dichlorobenzene. "Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems."

[(59)] **(66)** p-Dichlorobenzene. "Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood."

[(60)] **(67)** 1,2-Dichloroethane. "Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer."

[(61)] **(68)** 1,1-Dichloroethylene. "Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver."

[(62)] **(69)** cis-1,2-Dichloroethylene. "Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver."

[(63)] **(70)** trans-1,2-Dicholoroethylene. "Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver."

[(64)] **(71)** Dichloromethane. "Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer."

[(65)] **(72)** 1,2-Dichloropropane. "Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer."

[(66)] **(73)** Ethylbenzene. "Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys."

(74) Haloacetic Acids (HAA). "Some people who drinking water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer."

[(67)] **(75)** Styrene. "Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system."

[(68)] **(76)** Tetrachloroethylene. "Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer."

[(69)] **(77)** 1,2,4-Trichlorobenzene. "Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands."

[(70)] **(78)** 1,1,1,-Trichloroethane. "Some people who drink water containing 1,1,1-Trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system."

[(71)] **(79)** 1,1,2-Trichloroethane. "Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems."

[(72)] **(80)** Trichloroethylene. "Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer."

[(73)] **(81)** TTHMs (Total Trihalomethanes). "Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer."

[(74)] **(82)** Toluene. "Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver."

[(75)] **(83)** Vinyl Chloride. "Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer."

[(76)] **(84)** Xylenes. "Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system."

*AUTHORITY: sections 640.100, and 640.125.1, RSMo Supp. [1998] **2002**. Original rule filed July 1, 1999, effective March 30, 2000. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or in opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 9—Record Maintenance

PROPOSED AMENDMENT

10 CSR 60-9.010 Requirements for Maintaining Public Water System Records. The commission is amending subsections (1)(D)–(1)(F).

PURPOSE: This amendment adopts a new federal record keeping requirement from the Public Notice Rule, which was published in the May 4, 2000 ***Federal Register*** *and became effective in Missouri on May 4, 2002. The federal rule requires copies of public notices and certifications of public notice to be retained by the public water systems for at least three (3) years. Consistent with the proposed adoption of this requirement, this amendment deletes the state rule requirement for public notice documentation to be retained twelve (12) years. The federal rule, fact sheets, and other background information are available on-line at http://www.epa.gov/safewater/pn.html, or by calling the Public Drinking Water Program at (573) 751-5331.*

(1) All suppliers of water to a public water system must retain records on their premises or at a convenient location near their premises as follows:

(D) Records concerning a variance or exemption granted to the system must be retained for a period of at least five (5) years following the expiration of the variance or exemption; *[and]*

(E) Original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, state determinations and any other information required by 10 CSR 60-5.010, 10 CSR 60-5.020, 10 CSR 60-7.020, *[10 CSR 60-8.010]* and 10 CSR 60-15.010–10 CSR 60-15.090 must be retained for no fewer than twelve (12) years*[.]***; and**

(F) Copies of public notices issued pursuant to 10 CSR 60-8.010 and certifications issued to the department pursuant to 10 CSR 60-7.010(9) shall be kept for at least three (3) years after issuance.

AUTHORITY: section 640.100, RSMo Supp. [1989] ***2002****. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed Aug. 4, 1992, effective May 6, 1993. Amended: Filed March 17, 2003.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate for the duration of the rule.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate for the duration of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or in opposition to this proposed amendment. An information meeting and public hearing will be held May 22, 2003, 10:00 a.m., at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the ***Missouri Register*** *page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. Written comments must be postmarked or received by June 16, 2003. Comments may be mailed or faxed to: Ms. Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 20—Communicable Diseases

PROPOSED AMENDMENT

19 CSR 20-20.080 Duties of Laboratories. The division is amendming section (1).

PURPOSE: This amendment to the rule establishes consistency with 19 CSR 20-20.020 by authorizing the director or person in charge of any laboratory to designate a third party as the reporting entity for the laboratory to report the results of any test that is positive for, or suggestive of, any disease or condition listed in 19 CSR 20-20.020.

(1) The director**,** *[or]* person in charge of any laboratory**, or designee of the director or person in charge of any laboratory** shall report to the local health authority or the Missouri Department of Health **and Senior Services** the result of any test that is positive for, or suggestive of, any disease or condition listed in 19 CSR 20-20.020. These reports shall be made according to the time and manner specified for each disease or condition following completion of the test and shall designate the test performed, the results of **the** test, the name and address of the attending physician, the name of the disease or condition diagnosed or suspected, the date the test results were obtained, the name and home address (with zip code) of the patient, and the patient's age, date of birth, sex, and race.

AUTHORITY: sections 192.006[, RSMo Supp. 1999] and 192.020, RSMo [1994] ***2000****. This rule was previously filed as 13 CSR 50-101.090. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history please consult the* ***Code of State Regulations****. Amended: Filed March 14, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Bryant McNally, Director, Division of Environmental Health and Communicable Disease Prevention, 930 Wildwood, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after the publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 20—Communicable Diseases

PROPOSED RULE

19 CSR 20-20.091 Testing for Contagious or Infectious Disease

PURPOSE: This rule determines the contagious or infectious diseases for which testing is reasonable and appropriate and which may be administered pursuant to section 191.631, RSMo.

(1) Tests for the following contagious or infectious diseases may be administered pursuant to sections 191.630 to 191.631, RSMo:

(A) Hepatitis B;

(B) Hepatitis C;

(C) Syphilis; and/or

(D) Human T-Cell Lymphotropic Virus (HTLV) I/II.

AUTHORITY: section 191.631, RSMo Supp. 2002. Original rule filed March 14, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Environmental Health and Communicable Disease Prevention, 930 Wildwood, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 20—Communicable Diseases

PROPOSED RULE

19 CSR 20-20.092 Blood-borne Pathogen Standard Required for Occupational Exposure of Public Employees to Blood and Other Infectious Materials

PURPOSE: This rule establishes standards for protection of public employees from occupational exposure to blood-borne pathogens in the workplace.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The blood-borne pathogen standard governing public employers in the state of Missouri having employees with occupational exposure to blood or other potentially infectious materials shall be the standard of the Occupational Safety and Health Administration as codified in 29 CFR 1910.1030. The Occupational Safety and Health Administration standard as codified in 29 CFR 1910.1030 is incorporated herein by reference.

(2) As part of the Occupational Safety and Health Administration blood-borne pathogen standard codified in 29 CFR 1910.1030, each public employer having employees with occupational exposure is required to establish a written Exposure Control Plan. Such plan shall include a requirement that the most effective available needleless systems and sharps with engineered sharps injury protection be included as engineering and work practice controls. However, such engineering controls shall not be required if:

(A) None are available in the marketplace; or

(B) An evaluation committee, as described in section 191.640.5, RSMo determines by means of objective product evaluation criteria that use of such devices will jeopardize patient or employee safety with regard to a specific medical procedure.

AUTHORITY: sections 191.640, RSMo Supp. 2001 and 192.006, RSMo 2000. Original rule filed March 14, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Environmental Health and Communicable Disease Prevention, 930 Wildwood, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE
Division 400—Life, Annuities and Health
Chapter 4—Long-Term Care

PROPOSED RESCISSION

20 CSR 400-4.100 Long-Term Care. This regulation implemented sections 376.951–376.958, RSMo, (currently cited as sections 376.1100–376.1118, RSMo Supp. 2002) to promote the public interest, promote the availability of long-term care insurance coverage, protect applicants for long-term care insurance, as defined, from unfair or deceptive sales or enrollment practices, facilitate public understanding and comparison of long-term care insurance coverages and facilitate flexibility and innovation in the development of long-term care insurance.

PURPOSE: This rule is being rescinded because it is being replaced by a new rule, namely 20 CSR 400-4.100 Long-Term Care Insurance.

AUTHORITY: sections 374.045 and 660.551, RSMo 2000 and 376.951–376.958 RSMo 2000 and Supp. 2002. Original rule filed Jan. 28, 1991, effective Sept. 30, 1991. Amended: Filed July 12, 2002, effective Jan. 30, 2003. Rescinded: Filed March 17, 2003.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rescission at 10:00 a.m. on May 20, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in sup-

port of or in opposition to the proposed rescission, until 5:00 p.m. on May 20, 2003. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

Title 20—DEPARTMENT OF INSURANCE
Division 400—Life, Annuities and Health
Chapter 4—Long-Term Care

PROPOSED RULE

20 CSR 400-4.100 Long-Term Care Insurance

PURPOSE: This rule implements sections 376.1100–376.1130, RSMo Supp. 2002, to promote the public interest, to promote the availability of long-term care insurance coverage, to protect applicants for long-term care insurance, as defined, from unfair or deceptive sales or enrollment practices, to facilitate public understanding and comparison of long-term care insurance coverages and to facilitate flexibility and innovation in the development of long-term care insurance.

(1) Applicability and Scope.

(A) Except as otherwise specifically provided, this regulation applies to all long-term care insurance policies, including qualified long-term care contracts and life insurance policies that accelerate benefits for long-term care delivered or issued for delivery in this state on or after the effective date by insurers; fraternal benefit societies; nonprofit health, hospital and medical service corporations; prepaid health plans; health maintenance organizations and all similar organizations. Certain provisions of this regulation apply only to qualified long-term care insurance contracts as noted.

(B) Additionally, this regulation is intended to apply to policies having indemnity benefits that are triggered by activities of daily living and sold as disability income insurance, if:

1. The benefits of the disability income policy are dependent upon or vary in amount based on the receipt of long-term care services;

2. The disability income policy is advertised, marketed or offered as insurance for long-term care services; or

3. Benefits under the policy may commence after the policyholder has reached Social Security's normal retirement age unless benefits are designed to replace lost income or pay for specific expenses other than long-term care services.

(2) Definitions. For the purpose of this regulation, the terms "long-term care insurance," "qualified long-term care insurance," "group long-term care insurance," "director," "applicant," "policy" and "certificate" shall have the meanings set forth in section 376.1100.2, RSMo. In addition, the following definitions apply:

(A) "Exceptional increase."

1. Exceptional increase means only those increases filed by an insurer as exceptional for which the director determines the need for the premium rate increase is justified:

A. Due to changes in laws or regulations applicable to long-term care coverage in this state; or

B. Due to increased and unexpected utilization that affects the majority of insurers of similar products.

2. Except as provided in section (18) of this regulation, exceptional increases are subject to the same requirements as other premium rate schedule increases.

3. The director may request a review by an independent actuary or a professional actuarial body of the basis for a request that an increase be considered an exceptional increase.

4. The director, in determining that the necessary basis for an exceptional increase exists, shall also determine any potential offsets to higher claims costs.

(B) "Incidental," as used in subsection (18)(J) of this regulation, means that the value of the long-term care benefits provided is less than ten percent (10%) of the total value of the benefits provided over the life of the policy. These values shall be measured as of the date of issue.

(C) "Qualified actuary" means a member in good standing of the American Academy of Actuaries (AAA).

(D) "Similar policy forms" means all of the long-term care insurance policies and certificates issued by an insurer in the same long-term care benefit classification as the policy form being considered. Certificates of groups that meet the definition in section 376.1100.2(4)(a), RSMo, are not considered similar to certificates or policies otherwise issued as long-term care insurance, but are similar to other comparable certificates with the same long-term care benefit classifications. For purposes of determining similar policy forms, long-term care benefit classifications are defined as follows:

1. Institutional long-term care benefits only;
2. Non-institutional long-term care benefits only; or
3. Comprehensive long-term care benefits.

(3) Policy Definitions. No long-term care insurance policy delivered or issued for delivery in this state shall use the terms set forth below, unless the terms are defined in the policy and the definitions satisfy the following requirements:

(A) "Activities of daily living" means at least bathing, continence, dressing, eating, toileting and transferring.

(B) "Acute condition" means that the individual is medically unstable. Such an individual requires frequent monitoring by medical professionals, such as physicians and registered nurses, in order to maintain his or her health status.

(C) "Adult day care" means a program for six (6) or more individuals, of social and health-related services provided during the day in a community group setting for the purpose of supporting frail, impaired elderly or other disabled adults who can benefit from care in a group setting outside the home.

(D) "Bathing" means washing oneself by sponge bath; or in either a tub or shower, including the task of getting into or out of the tub or shower.

(E) "Cognitive impairment" means a deficiency in a person's short or long-term memory, orientation as to person, place and time, deductive or abstract reasoning, or judgment as it relates to safety awareness.

(F) "Continence" means the ability to maintain control of bowel and bladder function; or, when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene (including caring for catheter or colostomy bag).

(G) "Dressing" means putting on and taking off all items of clothing and any necessary braces, fasteners or artificial limbs.

(H) "Eating" means feeding oneself by getting food into the body from a receptacle (such as a plate, cup or table) or by a feeding tube or intravenously.

(I) "Hands-on assistance" means physical assistance (minimal, moderate or maximal) without which the individual would not be able to perform the activity of daily living.

(J) "Home health care services" means medical and nonmedical services, provided to ill, disabled or infirm persons in their residences. Such services may include homemaker services, assistance with activities of daily living and respite care services.

(K) "Medicare" means "The Health Insurance for the Aged Act,

Title XVIII of the Social Security Amendments of 1965 as then constituted or later amended," or "Title I, Part I of Public Law 89-97, as Enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof," or words of similar import.

(L) "Mental or nervous disorder" shall not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder.

(M) "Personal care" means the provision of hands-on services to assist an individual with activities of daily living.

(N) "Skilled nursing care," "intermediate care," "personal care," "home care" and other services shall be defined in relation to the level of skill required, the nature of the care and the setting in which care must be delivered.

(O) "Toileting" means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene.

(P) "Transferring" means moving into or out of a bed, chair or wheelchair.

(Q) All providers of services, including but not limited to "skilled nursing facility," "extended care facility," "intermediate care facility," "convalescent nursing home," "personal care facility," and "home care agency" shall be defined in relation to the services and facilities required to be available and the licensure or degree status of those providing or supervising the services. The definition may require that the provider be appropriately licensed or certified.

(4) Policy Practices and Provisions.

(A) Renewability. The terms "guaranteed renewable" and "noncancellable" shall not be used in any individual long-term care insurance policy without further explanatory language in accordance with the disclosure requirements of section (7) of this regulation.

1. A policy issued to an individual shall not contain renewal provisions other than "guaranteed renewable" or "noncancellable."

2. The term "guaranteed renewable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums and when the insurer has no unilateral right to make any change in any provision of the policy or rider while the insurance is in force, and cannot decline to renew, except that rates may be revised by the insurer on a class basis.

3. The term "noncancellable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums during which period the insurer has no right to unilaterally make any change in any provision of the insurance or in the premium rate.

4. The term "level premium" may only be used when the insurer does not have the right to change the premium.

5. In addition to the other requirements of this subsection, a qualified long-term care insurance contract shall be guaranteed renewable, within the meaning of Internal Revenue Code (IRC), section 7702B(b)(1)(C), as referenced herein.

(B) Limitations and Exclusions. A policy may not be delivered or issued for delivery in this state as long-term care insurance if the policy limits or excludes coverage by type of illness, treatment, medical condition or accident, except as follows:

1. Preexisting conditions or diseases;

2. Mental or nervous disorders; however, this shall not permit exclusion or limitation of benefits on the basis of Alzheimer's disease;

3. Alcoholism and drug addiction;

4. Illness, treatment or medical condition arising out of:

A. War or act of war (whether declared or undeclared);

B. Participation in a felony, riot or insurrection;

C. Service in the armed forces or units auxiliary thereto;

D. Suicide or attempted suicide while sane or intentionally self-inflicted injury; or

E. Aviation (this exclusion applies only to non-fare-paying passengers);

5. Treatment provided in a government facility (unless otherwise required by law), services to the extent that benefits are available under Title XVIII of the Social Security Act (Medicare) or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance;

6. Expenses for services or items available or paid under another long-term care insurance or health insurance policy;

7. In the case of a qualified long-term care insurance contract, expenses for services or items to the extent that the expenses are reimbursable under Medicare or would be so reimbursable but for the application of a deductible or coinsurance amount;

8. This subsection is not intended to prohibit exclusions and limitations by type of provider or territorial limitations.

(C) Extension of Benefits. Termination of long-term care insurance shall be without prejudice to any benefits payable for institutionalization if the institutionalization began while the long-term care insurance was in force and continues without interruption after termination. The extension of benefits beyond the period the long-term care insurance was in force may be limited to the duration of the benefit period, if any, or to payment of the maximum benefits and may be subject to any policy waiting period, and all other applicable provisions of the policy.

(D) Continuation or Conversion.

1. Group long-term care insurance issued in this state on or after the effective date of this regulation shall provide covered individuals with a basis for continuation or conversion of coverage.

2. For the purposes of this section, "a basis for continuation of coverage" means a policy provision that maintains coverage under the existing group policy when the coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due. Group policies that restrict provision of benefits and services to, or contain incentives to use certain providers or facilities, may provide continuation benefits that are substantially equivalent to the benefits of the existing group policy. The director shall make a determination as to the substantial equivalency of benefits, and in doing so, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

3. For the purposes of this section, "a basis for conversion of coverage" means a policy provision that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and any group policy which it replaced), for at least six (6) months immediately prior to termination, shall be entitled to the issuance of a converted policy by the insurer under whose group policy he or she is covered, without evidence of insurability.

4. For the purposes of this section, "converted policy" means an individual policy of long-term care insurance providing benefits identical to or benefits determined by the director to be substantially equivalent to or in excess of those provided under the group policy from which conversion is made. Where the group policy from which conversion is made restricts provision of benefits and services to, or contains incentives to use certain providers or facilities, the director, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

5. Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than thirty-one (31) days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy, and shall be renewable annually.

6. Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy replaced.

7. Continuation of coverage or issuance of a converted policy shall be mandatory, except where:

A. Termination of group coverage resulted from an individual's failure to make any required payment of premium or contribution when due; or

B. The terminating coverage is replaced not later than thirty-one (31) days after termination, by group coverage effective on the day following the termination of coverage:

(I) Providing benefits identical to or benefits determined by the director to be substantially equivalent to or in excess of those provided by the terminating coverage; and

(II) The premium for which is calculated in a manner consistent with the requirements of paragraph (4)(D)6. of this rule.

8. Notwithstanding any other provision of this section, a converted policy issued to an individual who, at the time of conversion, is covered by another long-term care insurance policy that provides benefits on the basis of incurred expenses, may contain a provision that results in a reduction of benefits payable if the benefits provided under the additional coverage, together with the full benefits provided by the converted policy, would result in payment of more than one hundred percent (100%) of incurred expenses. The provision shall only be included in the converted policy if the converted policy also provides for a premium decrease or refund which reflects the reduction in benefits payable.

9. The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, shall not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.

10. Notwithstanding any other provision of this section, an insured individual whose eligibility for group long-term care coverage is based upon his or her relationship to another person shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.

11. For the purposes of this section a "managed-care plan" is a health care or assisted living arrangement designed to coordinate patient care or control costs through utilization review, case management or use of specific provider networks.

(E) Discontinuance and Replacement. If a group long-term care policy is replaced by another group long-term care policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy:

1. Shall not result in an exclusion for preexisting conditions that would have been covered under the group policy being replaced; and

2. Shall not vary or otherwise depend on the individual's health or disability status, claim experience or use of long-term care services.

(F) Premium.

1. The premium charged to an insured shall not increase due to either:

A. The increasing age of the insured at ages beyond sixty-five (65); or

B. The duration the insured has been covered under the policy.

2. The purchase of additional coverage shall not be considered a premium rate increase, but for purposes of the calculation required under section (24) of this regulation, the portion of the premium attributable to the additional coverage shall be added to and considered part of the initial annual premium.

3. A reduction in benefits shall not be considered a premium change, but for purpose of the calculation required under section (24) of this regulation, the initial annual premium shall be based on the reduced benefits.

(G) Electronic Enrollment for Group Policies.

1. In the case of a group defined in section 376.1100.2(4)(a), RSMo, any requirement that a signature of an insured be obtained by a producer or insurer shall be deemed satisfied if:

A. The consent is obtained by telephonic or electronic enrollment by the group policyholder or insurer. A verification of enrollment information shall be provided to the enrollee;

B. The telephonic or electronic enrollment provides necessary and reasonable safeguards to assure the accuracy, retention and prompt retrieval of records; and

C. The telephonic or electronic enrollment provides necessary and reasonable safeguards to assure that the confidentiality of personally identifiable financial information as defined by 20 CSR 100-6.100, is maintained.

2. The insurer shall make available, upon request of the director, records that will demonstrate the insurer's ability to confirm enrollment and coverage amounts.

(5) Unintentional Lapse. Each insurer offering long-term care insurance shall, as a protection against unintentional lapse, comply with the following:

(A) Notice Before Lapse or Termination.

1. No individual long-term care policy or certificate shall be issued until the insurer has received from the applicant either a written designation of at least one (1) person, in addition to the applicant, who is to receive notice of lapse or termination of the policy or certificate for nonpayment of premium, or a written waiver dated and signed by the applicant electing not to designate additional persons to receive notice. The applicant has the right to designate at least one (1) person who is to receive the notice of termination, in addition to the insured. Designation shall not constitute acceptance of any liability on the third party for services provided to the insured. The form used for the written designation must provide space clearly designated for listing at least one (1) person. The designation shall include each person's full name and home address. In the case of an applicant who elects not to designate an additional person, the waiver shall state:

"Protection against unintended lapse. I understand that I have the right to designate at least one (1) person other than myself to receive notice of lapse or termination of this long-term care insurance policy for nonpayment of premium. I understand that notice will not be given until thirty (30) days after a premium is due and unpaid. I elect NOT to designate a person to receive this notice."

2. The insurer shall notify the insured of the right to change this written designation, no less often than once every two (2) years.

3. When the policyholder or certificateholder pays premium for a long-term care insurance policy or certificate through a payroll or pension deduction plan, the requirements contained in paragraph (5)(A)1. of this rule need not be met until sixty (60) days after the

policyholder or certificateholder is no longer on such a payment plan. The application or enrollment form for such policies or certificates shall clearly indicate the payment plan selected by the applicant.

4. Lapse or termination for nonpayment of premium. No individual long-term care policy or certificate shall lapse or be terminated for nonpayment of premium unless the insurer, at least thirty (30) days before the effective date of the lapse or termination, has given notice to the insured and to those persons designated pursuant to paragraph (5)(A)1. of this regulation, at the address provided by the insured for purposes of receiving notice of lapse or termination.

A. Notice shall be given by first class United States mail, postage prepaid.

B. Notice may not be given until thirty (30) days after a premium is due and unpaid.

C. Notice shall be deemed to have been given as of five (5) days after the date of mailing.

(B) Reinstatement. In addition to the requirement in subsection (5)(A) of this rule, a long-term care insurance policy or certificate shall include a provision that provides for reinstatement of coverage, in the event of lapse if the insurer is provided proof that the policyholder or certificateholder was cognitively impaired or had a loss of functional capacity before the grace period contained in the policy expired. This option shall be available to the insured if requested within five (5) months after termination and shall allow for the collection of past due premium, where appropriate. The standard of proof of cognitive impairment or loss of functional capacity shall not be more stringent than the benefit eligibility criteria on cognitive impairment or the loss of functional capacity contained in the policy and certificate.

(6) Required Disclosure Provisions.

(A) Renewability. Individual long-term care insurance policies shall contain a renewability provision.

1. The provision shall be appropriately captioned, shall appear on the first page of the policy, and shall clearly state that the coverage is guaranteed renewable or noncancellable. This provision shall not apply to policies that do not contain a renewability provision, and under which the right to nonrenew is reserved solely to the policyholder, including long-term care policies that are part of or combined with life insurance policies, since life insurance policies do not contain renewability provisions.

2. A long-term care insurance policy or certificate, other than one where the insurer does not have the right to change the premium, shall include a statement that premium rates may change.

(B) Riders and Endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal that reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall be set forth in the policy, rider or endorsement.

(C) Payment of Benefits. A long-term care insurance policy that provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of these terms and an explanation of the terms in its accompanying outline of coverage.

(D) Limitations. If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, the limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled as "Preexisting Condition Limitations."

(E) Other Limitations or Conditions on Eligibility for Benefits. A long-term care insurance policy or certificate containing any limitations or conditions for eligibility other than those prohibited in section 376.1109, RSMo, shall set forth a description of the limitations or conditions, including any required number of days of confinement, in a separate paragraph of the policy or certificate and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits."

(F) Disclosure of Tax Consequences. With regard to life insurance policies that provide an accelerated benefit for long-term care, a disclosure statement is required at the time of application for the policy or rider and at the time the accelerated benefit payment request is submitted that receipt of these accelerated benefits may be taxable, and that assistance should be sought from a personal tax advisor. The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related documents. This subsection shall not apply to qualified long-term care insurance contracts.

(G) Benefit Triggers. Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and shall be described in the policy or certificate in a separate paragraph and shall be labeled "Eligibility for the Payment of Benefits." Any additional benefit triggers shall also be explained in this section. If these triggers differ for different benefits, explanation of the trigger shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too shall be specified.

(H) A qualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in the provision of paragraph (27)(E)3. of this regulation, that the policy is intended to be a qualified long-term care insurance contract under IRC, section 7702B(b), as referenced herein.

(I) A nonqualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in the provisions of paragraph (27)(E)3. of this regulation, that the policy is not intended to be a qualified long-term care insurance contract.

(7) Required Disclosure of Rating Practices to Consumers.

(A) This section shall apply as follows:

1. Except as provided in paragraph (7)(A)2., below, this section applies to any long-term care policy or certificate issued in this state six (6) months following the effective date of this regulation.

2. For certificates issued on or after the effective date of this regulation under a group long-term care insurance policy as defined in section 376.1100.2(4)(a), RSMo, which policy was in force at the time this regulation became effective, the provisions of this section shall apply on the policy anniversary following July 1 of the year following the year in which this regulation becomes effective.

(B) Other than policies for which no applicable premium rate or rate schedule increases can be made, insurers shall provide all of the information listed in this subsection to the applicant at the time of application or enrollment, unless the method of application does not allow for delivery at that time (e.g., application made by mail). In such a case, an insurer shall provide all of the information listed in this section to the applicant no later than at the time of delivery of the policy or certificate.

1. A statement that the policy may be subject to rate increases in the future;

2. An explanation of potential future premium rate revisions, and the policyholder's or certificateholder's option in the event of a premium rate revision;

3. The premium rate or rate schedules applicable to the applicant that will be in effect until a request is made for an increase;

4. A general explanation for applying premium rate or rate schedule adjustments that shall include:

A. A description of when premium rate or rate schedule adjustments will be effective (e.g., next anniversary date, next billing date, etc.); and

B. The right to a revised premium rate or rate schedule as provided in paragraph (7)(B)3. of this rule if the premium rate or rate schedule is changed;

5. Information relating to premium rate increases.

A. Information regarding each premium rate increase on this policy form or similar policy forms over the past ten (10) years for this state or any other state that, at a minimum, identifies:

(I) The policy forms for which premium rates have been increased;

(II) The calendar years when the form was available for purchase; and

(III) The amount or percent of each increase. The percentage may be expressed as a percentage of the premium rate prior to the increase, and may also be expressed as minimum and maximum percentages if the rate increase is variable by rating characteristics.

B. The insurer may, in a manner that is not misleading to the applicant, provide additional explanatory information related to the rate increases.

C. An insurer shall have the right to exclude from the disclosure premium rate increases that only apply to blocks of business acquired from other nonaffiliated insurers or the long-term care policies acquired from other nonaffiliated insurers when those increases occurred prior to the acquisition.

D. If an acquiring insurer files for a rate increase on a long-term care policy form acquired from nonaffiliated insurers or a block of policy forms acquired from nonaffiliated insurers on or before the later of either the effective date of this regulation or the end of a twenty-four (24)-month period following the acquisition of the block or policies, the acquiring insurer may exclude that rate increase from the disclosure. However, the nonaffiliated selling company shall include the disclosure of that rate increase in accordance with subparagraph (7)(B)5.A. of this rule.

E. If the acquiring insurer in the provisions of subparagraph (7)(B)5.D. of this regulation, above, files for a subsequent rate increase, even within the twenty-four (24)-month period, on the same policy form acquired from nonaffiliated insurers or block of policy forms acquired from nonaffiliated insurers referenced in provisions of subparagraph (7)(B)5.D. of this regulation, above, the acquiring insurer shall make all disclosures required by paragraph (7)(B)5. above, including disclosure of the earlier rate increase referenced in the provisions of subparagraph (7)(B)5.D. of this regulation.

(C) An applicant shall sign an acknowledgement at the time of application, unless the method of application does not allow for signature at that time, that the insurer made the disclosure required under paragraphs (7)(B)1. and (7)(B)5. of this rule. If due to the method of application the applicant cannot sign an acknowledgement at the time of application, the applicant shall sign no later than at the time of delivery of the policy or certificate.

(D) An insurer shall use the forms in Appendices B and F, which are included herein, to comply with the requirements of subsections (7)(B) and (D) of this rule.

(E) An insurer shall provide notice of an upcoming premium rate schedule increase to all policyholders or certificateholders, if applicable, at least forty-five (45) days prior to the implementation of the premium rate schedule increase by the insurer. The notice shall include the information required by subsection (7)(B) when the rate increase is implemented.

(8) Initial Filing Requirements.

(A) This section applies to any long-term care policy issued in this state six (6) months following the effective date of this regulation.

(B) An insurer shall provide the information listed in this subsection to the director thirty (30) days prior to making a long-term care insurance form available for sale.

1. A copy of the disclosure documents required in section (7) of this regulation; and

2. An actuarial certification consisting of at least the following:

A. A statement that the initial premium rate schedule is sufficient to cover anticipated costs under moderately adverse experience and that the premium rate schedule is reasonably expected to be sustainable over the life of the form with no future premium increases anticipated;

B. A statement that the policy design and coverage provided have been reviewed and taken into consideration;

C. A statement that the underwriting and claims adjudication processes have been reviewed and taken into consideration;

D. A complete description of the basis for contract reserves that are anticipated to be held under the form, to include:

(I) Sufficient detail or sample calculations provided so as to have a complete depiction of the reserve amounts to be held;

(II) A statement that the assumptions used for reserves contain reasonable margins for adverse experience;

(III) A statement that the net valuation premium for renewal years does not increase (except for attained-age rating where permitted);

(IV) A statement that the difference between the gross premium and the net valuation premium for renewal years is sufficient to cover expected renewal expenses; or if such a statement cannot be made, a complete description of the situations where this does not occur;

(V) When the difference between the gross premium and the renewal net valuation premiums is not sufficient to cover expected renewal expenses, the description provided could demonstrate the type and level of change in the reserve assumptions that would be necessary for the difference to be sufficient.

(a) An aggregate distribution of anticipated issues may be used as long as the underlying gross premiums maintain a reasonably consistent relationship;

(b) If the gross premiums for certain age groups appear to be inconsistent with this requirement, the director may request a demonstration under subsection (8)(C) of this regulation based on a standard age distribution; and

E. Premium rate schedule.

(I) A statement that the premium rate schedule is not less than the premium rate schedule for existing similar policy forms also available from the insurer except for reasonable differences attributable to benefits; or

(II) A comparison of the premium schedules for similar policy forms that are currently available from the insurer with an explanation of the differences. At a minimum, the insurer must provide that a broad range of expected combinations in a manner designed to provide a fair presentation for review by the director.

(C) The director may request additional information to be provided.

1. The director may request an actuarial demonstration that benefits are reasonable in relation to premiums. The actuarial demonstration shall include either premium and claim experience on similar policy forms, adjusted for any premium or benefit differences, relevant and credible data from other studies, or both.

2. In the event the director asks for additional information under this provision, the period in subsection (8)(B) of this regulation does not include the period during which the insurer is preparing the requested information.

(9) Prohibition Against Post-Claims Underwriting.

(A) All applications for long-term care insurance policies or certificates except those that are guaranteed issue shall contain clear and unambiguous questions designed to ascertain the health condition of the applicant.

(B) Medication.

1. If an application for long-term care insurance contains a question that asks whether the applicant has had medication prescribed by a physician, it must also ask the applicant to list the medication that has been prescribed.

2. If the medications listed in the application were known by the insurer, or should have been known at the time of application, to be directly related to a medical condition for which coverage would otherwise be denied, then the policy or certificate shall not be rescinded for that condition.

(C) Except for policies or certificates that are guaranteed issue:

1. The following language shall be set out conspicuously and in close conjunction with the applicant's signature block on an application for a long-term care insurance policy or certificate:

"Caution: If your answers on this application are incorrect or untrue, [company] has the right to deny benefits or rescind your policy."

2. The following language, or language substantially similar to the following, shall be set out conspicuously on the long-term care insurance policy or certificate at the time of delivery:

"Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]"

3. Prior to issuance of a long-term care policy or certificate to an applicant age eighty (80) or older, the insurer shall obtain one (1) of the following:

A. A report of a physical examination;

B. An assessment of functional capacity;

C. An attending physician's statement; or

D. Copies of medical records.

(D) A copy of the completed application or enrollment form (whichever is applicable) shall be delivered to the insured no later than at the time of delivery of the policy or certificate unless it was retained by the applicant at the time of application.

(E) Every insurer or other entity selling or issuing long-term care insurance benefits shall maintain a record of all policy or certificate rescissions, both state and countrywide, except those that the insured voluntarily effectuated and shall annually furnish this information to the insurance director in the format prescribed by the National Association of Insurance Commissioners (NAIC) in Appendix A, which is included herein.

(10) Minimum standards for home health and community care benefits in long-term care insurance policies.

(A) A long-term care insurance policy or certificate shall not, if it provides benefits for home health care or community care services, limit or exclude benefits:

1. By requiring that the insured or claimant would need care in a skilled nursing facility if home health care services were not provided;

2. By requiring that the insured or claimant first or simultaneously receive nursing or therapeutic services, or both, in a home, community or institutional setting before home health care services are covered;

3. By limiting eligible services to services provided by registered nurses or licensed practical nurses;

4. By requiring that a nurse or therapist provide services covered by the policy that can be provided by a home health aide, or other licensed or certified home care worker acting within the scope of his or her licensure or certification;

5. By excluding coverage for personal care services provided by a home health aide;

6. By requiring that the provision of home health care services be at a level of certification or licensure greater than that required by the eligible service;

7. By requiring that the insured or claimant have an acute condition before home health care services are covered;

8. By limiting benefits to services provided by Medicare-certified agencies or providers; or

9. By excluding coverage for adult day care services.

(B) A long-term care insurance policy or certificate, if it provides for home health or community care services, shall provide total home health or community care coverage that is a dollar amount equivalent to at least one-half (1/2) of one (1) year's coverage available for nursing home benefits under the policy or certificate, at the time covered home health or community care services are being received. This requirement shall not apply to policies or certificates issued to residents of continuing care retirement communities.

(C) Home health care coverage may be applied to the non-home health care benefits provided in the policy or certificate when determining maximum coverage under the terms of the policy or certificate. This subsection is not intended to restrict home health care to a period of time which would make the benefit illusory. Fewer than three hundred sixty-five (365) benefit days and less than a twenty-five dollar ($25) daily maximum benefit constitute illusory home health care benefits.

(11) Requirement to Offer Inflation Protection.

(A) No insurer may offer a long-term care insurance policy unless the insurer also offers to the policyholder, in addition to any other inflation protection, the option to purchase a policy that provides for benefit levels to increase with benefit maximums or reasonable durations which are meaningful to account for reasonably anticipated increases in the costs of long-term care services covered by the policy. Insurers must offer to each policyholder, at the time of purchase, the option to purchase a policy with an inflation protection feature no less favorable than one (1) of the following:

1. Increases benefit levels annually in a manner so that the increases are compounded annually at a rate not less than five percent (5%);

2. Guarantees the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status so long as the option for the previous period has not been declined. The amount of the additional benefit shall be no less than the difference between the existing policy benefit and that benefit compounded annually at a rate of at least five percent (5%) for the period beginning with the purchase of the existing benefit and extending until the year in which the offer is made; or

3. Covers a specified percentage of actual or reasonable charges and does not include a maximum specified indemnity amount or limit.

(B) Where the policy is issued to a group, the required offer in subsection (11)(A) of this rule, above, shall be made to the group policyholder; except, if the policy is issued to a group defined in section 376.1100.2(4)(a), RSMo, other than to a continuing care retirement community, the offering shall be made to each proposed certificate holder.

(C) The offer in subsection (11)(A) of this rule, above, shall not be required of life insurance policies or riders containing accelerated long-term care benefits.

(D) Information Required in or with the Outline of Coverage.

1. Insurers shall include the following information in or with the outline of coverage:

A. A graphic comparison of the benefit levels of a policy that increases benefits over the policy period with a policy that does not increase benefits. The graphic comparison shall show benefit levels over at least a twenty (20)-year period; and

B. Any expected premium increases or additional premiums to pay for automatic or optional benefit increases.

2. An insurer may use a reasonable hypothetical, or a graphic demonstration, for the purposes of this disclosure.

(E) Inflation protection benefit increases under a policy that contains these benefits shall continue without regard to an insured's age, claim status or claim history, or the length of time the person has been insured under the policy.

(F) An offer of inflation protection that provides for automatic benefit increases shall include an offer of a premium which the insurer expects to remain constant. The offer shall disclose in a conspicuous manner that the premium may change in the future unless the premium is guaranteed to remain constant.

(G) Rejection of Inflation Protection.

1. Inflation protection as provided in paragraph (11)(A)1. of this rule, above, shall be included in a long-term care insurance policy unless an insurer obtains a rejection of inflation protection signed by the policyholder as required in this subsection.

2. The rejection may be either in the application or on a separate form.

3. The rejection shall be considered a part of the application and shall state:

"I have reviewed the outline of coverage and the graphs that compare the benefits and premiums of this policy with and without inflation protection. Specifically, I have reviewed Plans _____, and I reject inflation protection."

(12) Requirements for Application Forms and Replacement Coverage.

(A) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended to replace any other accident and sickness or long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and producer, except where the coverage is sold without a producer, containing the questions may be used. With regard to a replacement policy issued to a group defined by section 376.1100.2(4)(a), RSMo, the following questions may be modified only to the extent necessary to elicit information about health or long-term care insurance policies other than the group policy being replaced, provided that the certificateholder has been notified of the replacement:

1. "Do you have another long-term care insurance policy or certificate in force (including health care service contract, health maintenance organization contract)?"

2. "Did you have another long-term care insurance policy or certificate in force during the last twelve (12) months?"

A. "If so, with which company?"

B. "If that policy lapsed, when did it lapse?"

3. "Are you covered by Medicaid?"

4. "Do you intend to replace any of your medical or health insurance coverage with this policy [certificate]?"

(B) Producers shall list any other health insurance policies they have sold to the applicant, including the following:

1. All policies sold that are still in force.

2. All policies sold in the past five (5) years that are no longer in force.

(C) Solicitations Other than Direct Response. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its producer, shall furnish the applicant, prior to issuance or delivery of the individual long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage.

1. One (1) copy of the notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer.

2. The required notice shall be provided in the following manner:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF INDIVIDUAL ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with an individual long-term care insurance policy to be issued by [company name] Insurance Company. Your new policy provides thirty (30) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

STATEMENT TO APPLICANT BY PRODUCER [OR OTHER REPRESENTATIVE]:

(Use additional sheets, as necessary.)

I have reviewed your current medical or health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention:

1. Health conditions that you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. The insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. If you are replacing existing long-term care insurance coverage, you may wish to secure the advice of your present insurer or its producer regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

4. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before your sign it, reread it carefully to be certain that all information has been properly recorded.

_____
(Signature of Producer or Other Representative)

[Typed Name and Address of Producer]

The above "Notice to Applicant" was delivered to me on:

_____ _____
(Applicant's Signature) (Date)

(D) Direct Response Solicitations. Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance of the policy. The required notice shall be provided in the following manner:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with the long-term care insurance policy delivered herewith issued by [company name] Insurance Company. Your new policy provides thirty (30) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

1. Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. Your insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. If you are replacing existing long-term care insurance coverage, you may wish to secure the advice of your present insurer or its producer regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

4. [To be included only if the application is attached to the policy.] If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to [company name and address] within thirty (30) days if any information is not correct and complete, or if any past medical history has been left out of the application.

[Company Name]

(E) Where replacement is intended, the replacing insurer shall notify, in writing, the existing insurer of the proposed replacement. The existing policy shall be identified by the insurer, name of the insured and policy number or address including zip code. Notice shall be provided within five (5) working days from the date the application is received by the insurer or the date the policy is issued, whichever is sooner.

(F) Life insurance policies that accelerate benefits for long-term care shall comply with this section if the policy being replaced is a long-term care insurance policy. If the policy being replaced is a life insurance policy, the insurer shall comply with the replacement requirements of 20 CSR 400-5.400. If a life insurance policy that accelerates benefits for long-term care is replaced by another such policy, the replacing insurer shall comply with both the long-term care and the life insurance replacement requirements.

(13) Reporting Requirements.

(A) For purposes of this section:

1. "Policy" means only long-term care insurance;

2. Subject to paragraph (13)(G)3., below, "claim" means a request for payment of benefits under an in-force policy regardless of whether the benefit claimed is covered under the policy or any terms or conditions of the policy have been met;

3. "Denied" means the insurer refuses to pay a claim for any reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition; and

4. "Report" means on a statewide basis.

(B) Every insurer shall maintain records for each producer of that producer's amount of replacement sales as a percent of the producer's total annual sales and the amount of lapses of long-term care insurance policies sold by the producer as a percent of the producer's total annual sales.

(C) Every insurer shall report, annually by June 30, the ten percent (10%) of its producers with the greatest percentages of lapses and replacements as measured by subsection (13)(A) of this rule,

above. The required report is printed as Appendix G to this regulation, which is included herein.

(D) Every insurer shall report annually by June 30, by completing Appendix G, the number of lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year.

(E) Every insurer shall report annually by June 30, by completing Appendix G, the number of replacement policies sold as a percent of its total annual sales and as a percent of its total number of policies in force as of the preceding calendar year.

(F) Every insurer shall report annually by June 30, for qualified long-term care insurance contracts, the number of claims denied for each class of business, expressed as a percentage of claims denied. The required report is printed as Appendix E to this regulation, which is included herein.

(G) Reports required under this section shall be filed with the director.

(14) Licensing. A producer is not authorized to sell, solicit or negotiate with respect to long-term care insurance except as authorized by section 375.018, RSMo.

(15) Discretionary Powers of Director. The director may upon written request and after an administrative hearing, issue an order to modify or suspend a specific provision or provisions of this regulation with respect to a specific long-term care insurance policy or certificate upon a written finding that:

(A) The modification or suspension would be in the best interest of the insureds;

(B) The purposes to be achieved could not be effectively or efficiently achieved without the modification or suspension; and

(C) Either one of the following:

1. The modification or suspension is necessary to the development of an innovative and reasonable approach for insuring long-term care;

2. The policy or certificate is to be issued to residents of a life care or continuing care retirement community or some other residential community for the elderly and the modification or suspension is reasonably related to the special needs or nature of such a community; or

3. The modification or suspension is necessary to permit long-term care insurance to be sold as part of, or in conjunction with, another insurance product.

(16) Reserve Standards.

(A) When long-term care benefits are provided through the acceleration of benefits under group or individual life policies or riders to such policies, policy reserves for the benefits shall be determined in accordance with section 376.380, RSMo. Claim reserves shall also be established in the case when the policy or rider is in claim status.

(B) Reserves for policies and riders subject to this subsection should be based on the multiple decrement model utilizing all relevant decrements except for voluntary termination rates. Single decrement approximations are acceptable if the calculation produces essentially similar reserves, if the reserve is clearly more conservative, or if the reserve is immaterial. The calculations may take into account the reduction in life insurance benefits due to the payment of long-term care benefits. However, in no event shall the reserves for the long-term care benefit and the life insurance benefit be less than the reserves for the life insurance benefit assuming no long-term care benefit.

(C) In the development and calculation of reserves for policies and riders subject to this subsection, due regard shall be given to the applicable policy provisions, marketing methods, administrative procedures and all other considerations which have an impact on projected claim costs, including, but not limited to, the following:

1. Definition of insured events;
2. Covered long-term care facilities;
3. Existence of home convalescence care coverage;
4. Definition of facilities;
5. Existence or absence of barriers to eligibility;
6. Premium waiver provision;
7. Renewability;
8. Ability to raise premiums;
9. Marketing method;
10. Underwriting procedures;
11. Claims adjustment procedures;
12. Waiting period;
13. Maximum benefit;
14. Availability of eligible facilities;
15. Margins in claim costs;
16. Optional nature of benefit;
17. Delay in eligibility for benefit;
18. Inflation protection provisions; and
19. Guaranteed insurability option.
20. Any applicable valuation morbidity table shall be certified as appropriate as a statutory valuation table by a member of the AAA.

(D) When long-term care benefits are provided other than as in subsections (A) through (C) of this section, above, reserves shall be determined in accordance with section 376.410, RSMo, and 20 CSR 200-1.140.

(17) Loss Ratio.

(A) This section shall apply to all long-term care insurance policies or certificates except those covered under sections (8) and (18) of this regulation.

(B) Benefits under long-term care insurance policies shall be deemed reasonable in relation to premiums provided the expected loss ratio is at least sixty percent (60%), calculated in a manner that provides for adequate reserving of the long-term care insurance risk. In evaluating the expected loss ratio, due consideration shall be given to all relevant factors, including:

1. Statistical credibility of incurred claims experience and earned premiums;
2. The period for which rates are computed to provide coverage;
3. Experienced and projected trends;
4. Concentration of experience within early policy duration;
5. Expected claim fluctuation;
6. Experience refunds, adjustments or dividends;
7. Renewability features;
8. All appropriate expense factors;
9. Interest;
10. Experimental nature of the coverage;
11. Policy reserves;
12. Mix of business by risk classification; and
13. Product features such as long elimination periods, high deductibles and high maximum limits.

(C) Subsection (B) of this section, above, shall not apply to life insurance policies that accelerate benefits for long-term care. A life insurance policy that funds long-term care benefits entirely by accelerating the death benefit is considered to provide reasonable benefits in relation to premiums paid if the policy complies with all of the following provisions:

1. The interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy;

2. The portion of the policy that provides life insurance benefits meets the nonforfeiture requirements of section 376.670, RSMo;

3. The policy meets the disclosure requirements of section 376.1109, RSMo;

4. Any policy illustration that meets the applicable requirements of sections 375.1500–375.1527, RSMo; and

5. An actuarial memorandum is filed with the department that includes:

A. A description of the basis on which the long-term care rates were determined;

B. A description of the basis for the reserves;

C. A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

D. A description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any;

E. A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

F. The estimated average annual premium per policy and the average issue age;

G. A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and

H. A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying life insurance policy, both for active lives and those in long-term care claim status.

(18) Premium Rate Schedule Increases.

(A) This section shall apply as follows:

1. Except as provided in paragraph (18)(A)2., below, this section applies to any long-term care policy or certificate issued in this state six (6) months following the effective date of this regulation.

2. For certificates issued on or after the effective date of this proposed rule under a group long-term care insurance policy as defined in section 376.1100.2(4)(a), RSMo, which policy was in force at the time this proposed rule became effective, the provisions of this section shall apply on the policy anniversary following twelve (12) months after the effective date of this regulation.

(B) An insurer shall provide notice of a pending premium rate schedule increase, including an exceptional increase, to the director at least thirty (30) days prior to the notice to the policyholders and shall include:

1. Information required by section (7) of this regulation, above;

2. Certification by a qualified actuary that:

A. If the requested premium rate schedule increase is implemented and the underlying assumptions, which reflect moderately adverse conditions, are realized, no further premium rate schedule increases are anticipated; and

B. The premium rate filing is in compliance with the provisions of this section;

3. An actuarial memorandum justifying the rate schedule change request that includes:

A. Lifetime projections of earned premiums and incurred claims based on the filed premium rate schedule increase; and the method and assumptions used in determining the projected values, including reflection of any assumptions that deviate from those used for pricing other forms currently available for sale:

(I) Annual values for the five (5) years preceding and the three (3) years following the valuation date shall be provided separately;

(II) The projections shall include the development of the lifetime loss ratio, unless the rate increase is an exceptional increase;

(III) The projections shall demonstrate compliance with subsection (18)(C), below; and

(IV) For exceptional increases:

(a) The projected experience should be limited to the increases in claims expenses attributable to the approved reasons for the exceptional increase; and

(b) In the event the director determines, as provided in the provisions of paragraph (2)(A)4. of this regulation, that offsets may exist, the insurer shall use appropriate net projected experience;

B. Disclosure of how reserves have been incorporated in this rate increase whenever the rate increase will trigger contingent benefit upon lapse;

C. Disclosure of the analysis performed to determine why a rate adjustment is necessary, which pricing assumptions were not realized and why, and what other actions taken by the company have been relied on by the actuary;

D. A statement that policy design, underwriting and claims adjudication practices have been taken into consideration; and

E. In the event that it is necessary to maintain consistent premium rates for new certificates and certificates receiving a rate increase, the insurer must also file composite rates reflecting projections of new certificates;

4. A statement that renewal premium rate schedules are not greater than new business premium rate schedules except for differences attributable to benefits, unless sufficient justification is provided to the director; and

5. Sufficient information for review of the premium rate schedule increase by the director.

(C) All premium rate schedule increases shall be determined in accordance with the following requirements:

1. Exceptional increases shall provide that seventy percent (70%) of the present value of projected additional premiums from the exceptional increase will be returned to policyholders in benefits;

2. Premium rate schedule increases shall be calculated such that the sum of the accumulated value of incurred claims, without the inclusion of active life reserves, and the present value of future projected incurred claims, without the inclusion of active life reserves, will not be less than the sum of the following:

A. The accumulated value of the initial earned premium times fifty-eight percent (58%);

B. Eighty-five percent (85%) of the accumulated value of prior premium rate schedule increases on an earned basis;

C. The present value of future projected initial earned premiums times fifty-eight percent (58%); and

D. Eighty-five percent (85%) of the present value of future projected premiums not in subparagraph (18)(C)2.C., above, on an earned basis;

3. In the event that a policy form has both exceptional and other increases, the values in the provisions of subparagraphs (18)(C)2.B. and D., above, will also include seventy percent (70%) for exceptional rate increase amounts; and

4. All present and accumulated values used to determine rate increases shall use the maximum valuation interest rate for contract reserves as specified in 20 CSR 200-1.140. The actuary shall disclose as part of the actuarial memorandum the use of any appropriate averages.

(D) For each rate increase that is implemented, the insurer shall file for review by the director updated projections, as defined in the provisions of subparagraph (18)(B)3.A. of this rule, above, annually for the next three (3) years and include a comparison of actual results to projected values. The director may extend the period to greater than three (3) years if actual results are not consistent with projected values from prior projections. For group insurance policies that meet the conditions in subsection (K) of this section, below, the projections required by this subsection shall be provided to the policyholder in lieu of filing with the director.

(E) If any premium rate in the revised premium rate schedule is greater than two hundred percent (200%) of the comparable rate in the initial premium schedule, lifetime projections, as defined in the provisions of subparagraph (18)(B)3.A., above, shall be filed for review by the director every five (5) years following the end of the required period in subsection (D) of this section, above. For group insurance policies that meet the conditions in subsection (K) of this section, below, the projections required by this subsection shall be provided to the policyholder in lieu of filing with the director.

(F) Director may request additional steps be taken by the insurer.

1. If the director has determined that the actual experience following a rate increase does not adequately match the projected experience and that the current projections under moderately adverse conditions demonstrate that incurred claims will not exceed proportions of premiums specified in subsection (C) of this section, above, the director may require the insurer to implement any of the following:

A. Premium rate schedule adjustments; or

B. Other measures to reduce the difference between the projected and actual experience.

2. In determining whether the actual experience adequately matches the projected experience, consideration should be given to the provisions of subparagaph (18)(B)3.E. of this regulation, if applicable.

(G) If the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse, the insurer shall file the following documents:

1. A plan, subject to the director's approval, for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increases, or both, or to demonstrate that appropriate administration and claims processing have been implemented or are in effect; otherwise the director may impose the condition in subsection (H) of this section, below; and

2. The original anticipated lifetime loss ratio, and the premium rate schedule increase that would have been calculated according to subsection (C) of this section, above, had the greater of the original anticipated lifetime loss ratio or fifty-eight percent (58%) been used in the calculations described in the provisions of subparagraphs (18)(C)2.A. and C., above.

(H) Significant Adverse Lapsation.

1. For a rate increase filing that meets the following criteria, the director shall review, for all policies included in the filing, the projected lapse rates and past lapse rates during the twelve (12) months following each increase to determine if significant adverse lapsation has occurred or is anticipated:

A. The rate increase is not the first rate increase requested for the specific policy form or forms;

B. The rate increase is not an exceptional increase; and

C. The majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse.

2. In the event significant adverse lapsation has occurred, is anticipated in the filing or is evidenced in the actual results as presented in the updated projections provided by the insurer following the requested rate increase, the director may determine that a rate spiral exists. If it is determined that a rate spiral exists, the director may require the insurer to offer, without underwriting, to all in-force insureds subject to the rate increase the option to replace existing coverage with one (1) or more reasonably comparable products being offered by the insurer or its affiliates.

A. The offer shall:

(I) Be subject to the approval of the director;

(II) Be based on actuarially sound principles, but not be based on attained age; and

(III) Provide that maximum benefits under any new policy accepted by an insured shall be reduced by comparable benefits already paid under the existing policy.

B. The insurer shall maintain the experience of all the replacement insureds separate from the experience of insureds originally issued the policy forms. In the event of a request for a rate increase on the policy form, the rate increase shall be limited to the lesser of:

(I) The maximum rate increase determined based on the combined experience; and

(II) The maximum rate increase determined based only on the experience of the insureds originally issued the form plus ten percent (10%).

(I) If the director determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for long-term care insurance, the director may, in addition to the provisions of subsection (H) of this section, above, prohibit the insurer from either of the following:

1. Filing and marketing comparable coverage for a period of up to five (5) years; or

2. Offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.

(J) Subsections (A) through (I) of this section shall not apply to policies for which the long-term care benefits provided by the policy are incidental, as defined in subsection (2)(B), above, if the policy complies with all of the following provisions:

1. The interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy;

2. The portion of the policy that provides insurance benefits other than long-term care coverage meets the nonforfeiture requirements as applicable in any of the following:

A. Section 376.670, RSMo;

B. Section 376.671, RSMo;

3. The policy meets the disclosure requirements of section 376.1109, RSMo;

4. The portion of the policy that provides insurance benefits other than long-term care coverage meets the requirements as applicable in the following:

A. Policy illustrations as required by sections 375.1500-375.1527, RSMo;

B. Disclosure requirements in 20 CSR 400-1.020; and

5. An actuarial memorandum is filed with the department that includes:

A. A description of the basis on which the long-term care rates were determined;

B. A description of the basis for the reserves;

C. A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

D. A description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any;

E. A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

F. The estimated average annual premium per policy and the average issue age;

G. A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and

H. A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying insurance policy, both for active lives and those in long-term care claim status.

(K) Subsections (F) and (H) of this section, above, shall not apply to group insurance policies as defined in section 376.1100.2(4)(a), RSMo, where:

1. The policies insure two hundred fifty (250) or more persons and the policyholder has five thousand (5,000) or more eligible employees of a single employer; or

2. The policyholder, and not the certificateholders, pays a material portion of the premium, which shall not be less than twenty percent (20%) of the total premium for the group in the calendar year prior to the year a rate increase is filed.

(19) Filing Requirement. Prior to an insurer or similar organization offering group long-term care insurance to a resident of this state pursuant to section 376.1103, RSMo, it shall file with the director evidence that the group policy or certificate thereunder has been approved by a state having statutory or regulatory long-term care insurance requirements substantially similar to those adopted in this state.

(20) Filing Requirements for Advertising.

(A) Every insurer, health care service plan or other entity providing long-term care insurance or benefits in this state shall provide a copy of any long-term care insurance advertisement intended for use in this state whether through written, radio or television medium to the director for review or approval by the director to the extent it may be required under state law. In addition, all advertisements shall be retained by the insurer, health care service plan or other entity for at least three (3) years from the date the advertisement was first used.

(B) The director may exempt from these requirements any advertising form or material when, in the director's opinion, that requirement may not be reasonably applied.

(21) Standards for Marketing.

(A) Every insurer, health care service plan or other entity marketing long-term care insurance coverage in this state, directly or through its producers, shall:

1. Establish marketing procedures and producer training requirements to assure that:

A. Any marketing activities, including any comparison of policies, by its producers will be fair and accurate; and

B. Excessive insurance is not sold or issued.

2. Display prominently by type, stamp or other appropriate means, on the first page of the outline of coverage and policy the following:

"Notice to buyer: This policy may not cover all of the costs associated with long-term care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations."

3. Provide copies of the disclosure forms required in subsection (7)(C) of this regulation (Appendices B and F, which are included herein) to the applicant.

4. Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for long-term care insurance already has accident and sickness or long-term care insurance and the types and amounts of any such insurance, except that in the case of qualified long-term care insurance contracts, an inquiry into whether a prospective applicant or enrollee for long-term care insurance has accident and sickness insurance is not required.

5. Every insurer or entity marketing long-term care insurance shall establish auditable procedures for verifying compliance with subsection (A) of this section, above.

6. If the state in which the policy or certificate is to be delivered or issued for delivery has a state senior health insurance assistance program approved by the director, the insurer shall, at solicitation, provide written notice to the prospective policyholder and certificateholder that the program is available and the name, address and telephone number of the program.

7. For long-term care health insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms to the provisions of (4)(A)3. of this regulation.

8. Provide an explanation of contingent benefit upon lapse provided for in the provisions of paragraph (24)(D)3. of this regulation.

(B) In addition to the practices prohibited in sections 376.930 to 376.948, RSMo, the following acts and practices are prohibited:

1. Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert any insurance policy or to take out a policy of insurance with another insurer.

2. High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

3. Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance producer or insurance company.

4. Misrepresentation. Misrepresenting a material fact in selling or offering to sell a long-term care insurance policy.

(C) Association Responsibility.

1. With respect to the obligations set forth in this subsection, the primary responsibility of an association, as defined in section 376.1100.2(4)(b), RSMo, when endorsing or selling long-term care insurance shall be to educate its members concerning long-term care issues in general so that its members can make informed decisions. Associations shall provide objective information regarding long-term care insurance policies or certificates endorsed or sold by such associations to ensure that members of such associations receive a balanced and complete explanation of the features in the policies or certificates that are being endorsed or sold.

2. The insurer shall file with the department the following material:

A. The policy and certificate;

B. A corresponding outline of coverage; and

C. All advertisements requested by the department.

3. The association shall disclose in any long-term care insurance solicitation, the following information:

A. The specific nature and amount of the compensation arrangements (including all fees, commissions, administrative fees and other forms of financial support) that the association receives from endorsement or sale of the policy or certificate to its members; and

B. A brief description of the process under which the policies and the insurer issuing the policies were selected.

4. If the association and the insurer have interlocking directorates or trustee arrangements, the association shall disclose that fact to its members.

5. The board of directors of associations selling or endorsing long-term care insurance policies or certificates shall review and

approve the insurance policies as well as the compensation arrangements made with the insurer.

6. The association shall also do the following:

A. At the time of the association's decision to endorse, engage the services of a person with expertise in long-term care insurance not affiliated with the insurer to conduct an examination of the policies, including its benefits, features, and rates and update the examination thereafter in the event of material change;

B. Actively monitor the marketing efforts of the insurer and its producers;

C. Review and approve all marketing materials or other insurance communications used to promote sales or sent to members regarding the policies or certificates;

D. The provisions of subparagraphs (21)(C)6.A. through C. of this regulation shall not apply to qualified long-term care insurance contracts.

7. The materials specified for filing in this section shall be filed in accordance with this state's filing due dates and procedures.

8. No group long-term care insurance policy or certificate may be issued to an association unless the insurer files with the department the information required in this subsection.

9. The insurer shall not issue a long term care policy or certificate to an association or continue to market such a policy or certificate unless the insurer certifies annually that the association has complied with the requirements set forth in this subsection.

10. Knowingly failing to comply with the filing and certification requirements of this section constitutes an unfair trade practice in violation of section 375.936(5), RSMo.

(22) Suitability.

(A) This section shall not apply to life insurance policies that accelerate benefits for long-term care.

(B) Every insurer, health care service plan or other entity marketing long-term care insurance (the "issuer") shall do the following:

1. Develop and use suitability standards to determine whether the purchase or replacement of long-term care insurance is appropriate for the needs of the applicant;

2. Train its producers in the use of its suitability standards; and

3. Maintain a copy of its suitability standards and make them available for inspection upon request by the director.

(C) Requirement to Develop Procedures.

1. To determine whether the applicant meets the standards developed by the issuer, the producer and issuer shall develop procedures that take the following into consideration:

A. The ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage;

B. The applicant's goals or needs with respect to long-term care and the advantages and disadvantages of insurance to meet these goals or needs; and

C. The values, benefits and costs of the applicant's existing insurance, if any, when compared to the values, benefits and costs of the recommended purchase or replacement.

2. The issuer, and where a producer is involved, the producer shall make reasonable efforts to obtain the information set out in paragraph (22)(C)1. above. The efforts shall include presentation to the applicant, at or prior to application, the "Long-Term Care Insurance Personal Worksheet." The personal worksheet used by the issuer shall contain, at a minimum, the information in the format contained in Appendix B, which is included herein, in not less than twelve (12)-point type. The issuer may request the applicant to provide additional information to comply with its suitability standards. A copy of the issuer's personal worksheet shall be filed with the director.

3. A completed personal worksheet shall be returned to the issuer prior to the issuer's consideration of the applicant for coverage, except the personal worksheet need not be returned for sales of employer group long-term care insurance to employees and their spouses.

4. The sale or dissemination outside the company or business entity by the issuer or producer of information obtained through the personal worksheet in Appendix B is prohibited.

(D) The issuer shall use the suitability standards it has developed pursuant to this section in determining whether issuing long-term care insurance coverage to an applicant is appropriate.

(E) Producers shall use the suitability standards developed by the issuer in marketing long-term care insurance.

(F) At the same time as the personal worksheet is provided to the applicant, the disclosure form entitled "Things You Should Know Before You Buy Long-Term Care Insurance" shall be provided. The form shall be in the format contained in Appendix C, which is included herein, in not less than twelve (12)-point type.

(G) If the issuer determines that the applicant does not meet its financial suitability standards, or if the applicant has declined to provide the information, the issuer may reject the application. In the alternative, the issuer shall send the applicant a letter similar to the format outlined in Appendix D, which is included herein. However, if the applicant has declined to provide financial information, the issuer may use some other method to verify the applicant's intent. Either the applicant's returned letter or a record of the alternative method of verification shall be made part of the applicant's file.

(H) The issuer shall report annually by June 30 to the director the following information:

1. The total number of applications received from residents of this state;

2. The number of those who declined to provide information on the personal worksheet;

3. The number of applicants who did not meet the suitability standards; and

4. The number of those who chose to confirm after receiving a suitability letter.

(23) Prohibition against preexisting conditions and probationary periods in replacement policies or certificates. If a long-term care insurance policy or certificate replaces another long-term care policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions and probationary periods in the new long-term care policy for similar benefits to the extent that similar exclusions have been satisfied under the original policy.

(24) Nonforfeiture Benefit Requirement.

(A) This section does not apply to life insurance policies or riders containing accelerated long-term care benefits.

(B) To comply with the requirement to offer a nonforfeiture benefit pursuant to the provisions of section 376.1127, RSMo:

1. A policy or certificate offered with nonforfeiture benefits shall have coverage elements, eligibility, benefit triggers and benefit length that are the same as coverage to be issued without nonforfeiture benefits. The nonforfeiture benefit included in the offer shall be the benefit described in subsection (E) of this section, below; and

2. The offer shall be in writing if the nonforfeiture benefit is not otherwise described in the "Outline of Coverage" or other materials given to the prospective policyholder.

(C) If the offer required to be made under section 376.1127, RSMo, is rejected, the insurer shall provide the contingent benefit upon lapse described in this section.

(D) Actions Required after Rejection.

1. After rejection of the offer required under section 376.1127, RSMo, for individual and group policies without nonforfeiture benefits issued after the effective date of this section, the insurer shall provide a contingent benefit upon lapse.

2. In the event a group policyholder elects to make the nonforfeiture benefit an option to the certificateholder, a certificate shall

provide either the nonforfeiture benefit or the contingent benefit upon lapse.

3. The contingent benefit on lapse shall be triggered every time an insurer increases the premium rates to a level which results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth below based on the insured's issue age, and the policy or certificate lapses within one hundred-twenty (120) days of the due date of the premium so increased. Unless otherwise required, policyholders shall be notified at least thirty (30) days prior to the due date of the premium reflecting the rate increase.

Triggers for a Substantial Premium Increase

Issue Age	Percent Increase Over Initial Premium
29 and under	200%
30–34	190%
35–39	170%
40–44	150%
45–49	130%
50–54	110%
55–59	90%
60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%
67	46%
68	44%
69	42%
70	40%
71	38%
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%
78	24%
79	22%
80	20%
81	19%
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

4. On or before the effective date of a substantial premium increase as defined in the provisions of (24)(D)3. of this regulation, above, the insurer shall:

A. Offer to reduce policy benefits provided by the current coverage without the requirement of additional underwriting so that required premium payments are not increased. The insured's right to reduce policy benefits in the event of the premium increase does not affect any other right to elect a reduction in benefits provided under the policy;

B. Offer to convert the coverage to a paid-up status with a shortened benefit period in accordance with the terms of subsection (E) of this section, below. This option may be elected at any time during the one hundred twenty (120)-day period referenced in paragraph (24)(D)3. of this rule, above; and

C. Notify the policyholder or certificateholder that a default or lapse at any time during the one hundred twenty (120)-day period referenced in the paragraph (24)(D)3. of this rule, above, shall be deemed to be the election of the offer to convert as provided for by the provisions of (24)(D)4.B. of this regulation, above.

(E) Benefits continued as nonforfeiture benefits, including contingent benefits upon lapse.

1. For purposes of this subsection, "attained age rating" is defined as a schedule of premiums starting from the issue date which increases age at least one percent (1%) per year prior to age fifty (50), and at least three percent (3%) per year beyond age fifty (50).

2. For purposes of this subsection, the nonforfeiture benefit shall be of a shortened benefit period providing paid-up long-term care insurance coverage after lapse. The same benefits (amounts and frequency in effect at the time of lapse but not increased thereafter) will be payable for a qualifying claim, but the lifetime maximum dollars or days of benefits shall be determined as specified in the provisions of paragraph (24)(E)3. of this rule, below.

3. The standard nonforfeiture credit will be equal to one hundred percent (100%) of the sum of all premiums paid, including the premiums paid prior to any changes in benefits. The insurer may offer additional shortened benefit period options, as long as the benefits for each duration equal or exceed the standard nonforfeiture credit for that duration. However, the minimum nonforfeiture credit shall not be less than thirty (30) times the daily nursing home benefit at the time of lapse. In either event, the calculation of the nonforfeiture credit is subject to the limitation of subsection (F) of this section, below.

4. Timing of nonforfeiture benefit.

A. The nonforfeiture benefit shall begin not later than the end of the third year following the policy or certificate issue date. The contingent benefit upon lapse shall be effective during the first three (3) years as well as thereafter.

B. Notwithstanding the provisions of (24)(E)4.A., above, for a policy or certificate with attained age rating, the nonforfeiture benefit shall begin on the earlier of:

(I) The end of the tenth year following the policy or certificate issue date; or

(II) The end of the second year following the date the policy or certificate is no longer subject to attained age rating.

5. Nonforfeiture credits may be used for all care and services qualifying for benefits under the terms of the policy or certificate, up to the limits specified in the policy or certificate.

(F) All benefits paid by the insurer while the policy or certificate is in premium paying status and in the paid-up status will not exceed the maximum benefits which would be payable if the policy or certificate had remained in premium paying status.

(G) There shall be no difference in the minimum nonforfeiture benefits as required under this section for group and individual policies.

(H) The requirements set forth in this section shall become effective twelve (12) months after the effective date of this regulation and shall apply as follows:

1. Except as provided in the provisions of paragraph (24)(H)2., below, the provisions of this section apply to any long-term care policy issued in this state on or after the effective date of this proposed rule.

2. The provisions of this section shall not apply to certificates issued on or after the effective date of this regulation, under a group long-term care insurance policy as defined in section 376.1100.2(4)(a), RSMo, which policy was in force at the time this regulation became effective.

(I) Premiums charged for a policy or certificate containing nonforfeiture benefits or a contingent benefit on lapse shall be subject to the loss ratio requirements of section (17) of this regulation treating the policy as a whole.

(J) To determine whether contingent nonforfeiture upon lapse provisions are triggered under paragraph (24)(D)3., of this rule, above, a replacing insurer that purchased or otherwise assumed a block or blocks of long-term care insurance policies from another insurer shall calculate the percentage increase based on the initial annual premium paid by the insured when the policy was first purchased from the original insurer.

(K) A nonforfeiture benefit for qualified long-term care insurance contracts that are level premium contracts shall be offered that meets the following requirements:

1. The nonforfeiture provision shall be appropriately captioned;

2. The nonforfeiture provision shall provide a benefit available in the event of a default in the payment of any premiums and shall state that the amount of the benefit may be adjusted subsequent to being initially granted only as necessary to reflect changes in claims, persistency and interest as reflected in changes in rates for premium paying contracts approved by the director for the same contract form; and

3. The nonforfeiture provision shall provide at least one (1) of the following:

A. Reduced paid-up insurance;

B. Extended term insurance;

C. Shortened benefit period; or

D. Other similar offerings approved by the director.

(25) Standards for Benefit Triggers.

(A) A long-term care insurance policy shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. Eligibility for the payment of benefits shall not be more restrictive than requiring either a deficiency in the ability to perform not more than three (3) of the activities of daily living or the presence of cognitive impairment.

(B) Activities of Daily Living.

1. Activities of daily living shall include at least the following as defined in section (3) of this regulation and in the policy:

A. Bathing;

B. Continence;

C. Dressing;

D. Eating;

E. Toileting; and

F. Transferring;

2. Insurers may use activities of daily living to trigger covered benefits in addition to those contained in paragraph (25)(B)1., of this rule, above, as long as they are defined in the policy.

(C) An insurer may use additional provisions for the determination of when benefits are payable under a policy or certificate. However, the provisions shall not restrict, and are not in lieu of, the requirements contained in subsections (A) and (B) of this section, above.

(D) For purposes of this section, the determination of a deficiency shall not be more restrictive than:

1. Requiring the hands-on assistance of another person to perform the prescribed activities of daily living; or

2. If the deficiency is due to the presence of a cognitive impairment, supervision or verbal cueing by another person is needed in order to protect the insured or others.

(E) Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses or social workers.

(F) Long-term care insurance policies shall include a clear description of the process for appealing and resolving benefit determinations.

(G) The requirements set forth in this section shall be effective one (1) year from the date that this regulation becomes effective and shall apply as follows:

1. Except as provided by paragraph (25)(G)2., of this rule, below, the provisions of this section apply to a long-term care policy issued in this state on or after the effective date of this regulation.

2. The provisions of this section shall not apply to certificates issued on or after the effective date of this regulation, under a group long-term care insurance policy as defined in section 376.1100.2(4)(a), RSMo, that was in force at the time this regulation became effective.

(26) Additional standards for benefit triggers for qualified long-term care insurance contracts.

(A) For purposes of this section, the following definitions apply:

1. "Qualified long-term care services" means services that meet the requirements of IRC, section 7702(c)(1) as referenced herein, as follows: necessary diagnostic, preventive, therapeutic, curative, treatment, mitigation and rehabilitative services, and maintenance or personal care services which are required by a chronically ill individual, and are provided pursuant to a plan of care prescribed by a licensed health care practitioner.

2. "Chronically ill individual."

A. Chronically ill individual has the meaning prescribed for this term by IRC, section 7702B(c)(2) as referenced herein. Under this provision, a chronically ill individual means any individual who has been certified by a licensed health care practitioner as:

(I) Being unable to perform (without substantial assistance from another individual) at least two (2) activities of daily living for a period of at least ninety (90) days due to a loss of functional capacity; or

(II) Requiring substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment.

B. The term "chronically ill individual" shall not include an individual otherwise meeting these requirements unless within the preceding twelve (12)-month period a licensed health care practitioner has certified that the individual meets these requirements.

3. "Licensed health care practitioner" means a physician, as defined in section 1861(r)(1) of the Social Security Act, a registered professional nurse, licensed social worker or other individual who meets requirements prescribed by the United States Secretary of the Treasury.

4. "Maintenance or personal care services" means any care the primary purpose of which is the provision of needed assistance with any of the disabilities as a result of which the individual is a chronically ill individual (including the protection from threats to health and safety due to severe cognitive impairment).

(B) A qualified long-term care insurance contract shall pay only for qualified long-term care services received by a chronically ill individual provided pursuant to a plan of care prescribed by a licensed health care practitioner.

(C) A qualified long-term care insurance contract shall condition the payment of benefits on a determination of the insured's inability to perform activities of daily living for an expected period of at least ninety (90) days due to a loss of functional capacity or to severe cognitive impairment.

(D) Certifications regarding activities of daily living and cognitive impairment required pursuant to subsection (C) of this section, above, shall be performed by the following licensed or certified professionals: physicians, registered professional nurses, licensed social workers, or other individuals who meet requirements prescribed by the United States Secretary of the Treasury.

(E) Certifications required pursuant to subsection (C) of this section, above, may be performed by a licensed health care professional at the direction of the carrier as is reasonably necessary with

respect to a specific claim, except that when a licensed health care practitioner has certified that an insured is unable to perform activities of daily living for an expected period of at least ninety (90) days due to a loss of functional capacity and the insured is in claim status, the certification may not be rescinded and additional certifications may not be performed until after the expiration of the ninety (90)-day period.

(F) Qualified long-term care insurance contracts shall include a clear description of the process for appealing and resolving disputes with respect to benefit determinations.

(27) Standard Format Outline of Coverage. This section implements, interprets and makes specific, the provisions of section 376.1115, RSMo, in prescribing a standard format and the content of an outline of coverage.

(A) The outline of coverage shall be a free-standing document, using no smaller than ten (10)-point type.

(B) The outline of coverage shall contain no material of an advertising nature.

(C) Text that is capitalized or underscored in the standard format outline of coverage may be emphasized by other means that provide prominence equivalent to the capitalization or underscoring.

(D) Use of the text and sequence of text of the standard format outline of coverage is mandatory, unless otherwise specifically indicated.

(E) The format for the outline of coverage shall be as follows:

[COMPANY NAME]

[ADDRESS—CITY & STATE]

[TELEPHONE NUMBER]

LONG-TERM CARE INSURANCE

OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate Number]

[Except for policies or certificates which are guaranteed issue, the following caution statement, or language substantially similar, must appear as follows in the outline of coverage.]

Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]

1. This policy is [an individual policy of insurance] [a group policy] which was issued in the [indicate jurisdiction in which group policy was issued].

2. PURPOSE OF OUTLINE OF COVERAGE. This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!

3. FEDERAL TAX CONSEQUENCES.
This [POLICY] [CERTIFICATE] is intended to be a federally tax-qualified long-term care insurance contract under Section 7702B(b) of the Internal Revenue Code of 1986, as amended.

OR

Federal Tax Implications of this [POLICY] [CERTIFICATE]. This [POLICY] [CERTIFICATE] is not intended to be a federally tax-qualified long-term care insurance contract under Section 7702B(b) of the Internal Revenue Code of 1986, as amended. Benefits received under the [POLICY] [CERTIFICATE] may be taxable as income.

4. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE CONTINUED IN FORCE OR DISCONTINUED.

(a) [For long-term care health insurance policies or certificates describe one of the following permissible policy renewability provisions:

(1) Policies and certificates that are guaranteed renewable shall contain the following statement:] RENEWABILITY: THIS POLICY [CERTIFICATE] IS GUARANTEED RENEWABLE. This means you have the right, subject to the terms of your policy, [certificate] to continue this policy as long as you pay your premiums on time. [Company Name] cannot change any of the terms of your policy on its own, except that, in the future, IT MAY INCREASE THE PREMIUM YOU PAY.

(2) [Policies and certificates that are noncancellable shall contain the following statement:] RENEWABILITY: THIS POLICY [CERTIFICATE] IS NONCANCELLABLE. This means that you have the right, subject to the terms of your policy, to continue this policy as long as you pay your premiums on time. [Company Name] cannot change any of the terms of your policy on its own and cannot change the premium you currently pay. However, if your policy contains an inflation protection feature where you choose to increase your benefits, [Company Name] may increase your premium at that time for those additional benefits.

(b) [For group coverage, specifically describe continuation/conversion provisions applicable to the certificate and group policy;]

(c) [Describe waiver of premium provisions or state that there are not such provisions.]

5. TERMS UNDER WHICH THE COMPANY MAY CHANGE PREMIUMS.
[In bold type larger than the maximum type required to be used for the other provisions of the outline of coverage, state whether or not the company has a right to change the premium, and if a right exists, describe clearly and concisely each circumstance under which the premium may change.]

6. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.

(a) [Provide a brief description of the right to return—"free look"—provision of the policy.]

(b) [Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the

policy or certificate. If the policy contains such provisions, include a description of them.]

7. THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the insurance company.

(a) [For producers] Neither [insert company name] nor its producers represent Medicare, the federal government or any state government.

(b) [For direct response] [insert company name] is not representing Medicare, the federal government or any state government.

8. LONG-TERM CARE COVERAGE. Policies of this category are designed to provide coverage for one (1) or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.

This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long-term care expenses, subject to policy [limitations] [waiting periods] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

9. BENEFITS PROVIDED BY THIS POLICY.

(a) [Covered services, related deductibles, waiting periods, elimination periods and benefit maximums.]

(b) [Institutional benefits, by skill level.]

(c) [Non-institutional benefits, by skill level.]

(d) Eligibility for Payment of Benefits

[Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and must be defined and described as part of the outline of coverage.]

[Any additional benefit triggers must also be explained. If these triggers differ for different benefits, explanation of the triggers should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified.]

10. LIMITATIONS AND EXCLUSIONS.

[Describe:

(a) Preexisting conditions;

(b) Non-eligible facilities and provider;

(c) Non-eligible levels of care (e.g., unlicensed providers, care or treatment provided by a family member, etc.);

(d) Exclusions and exceptions;

(e) Limitations.]

[This section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in Number 6 above.]

THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.

11. RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the costs of long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicate the following:

(a) That the benefit level will not increase over time;

(b) Any automatic benefit adjustment provisions;

(c) Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;

(d) If there is such a guarantee, include whether additional underwriting or health screening will be required, the frequency and amounts of the upgrade options, and any significant restrictions or limitations;

(e) And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

12. ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for such an insured.]

13. PREMIUM.

[(a) State the total annual premium for the policy;

(b) If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

14. ADDITIONAL FEATURES.

[(a) Indicate if medical underwriting is used;

(b) Describe other important features.]

15. CONTACT THE STATE SENIOR HEALTH INSURANCE ASSISTANCE PROGRAM IF YOU HAVE GENERAL QUESTIONS REGARDING LONG-TERM CARE INSURANCE. CONTACT THE INSURANCE COMPANY IF YOU HAVE SPECIFIC QUESTIONS REGARDING YOUR LONG-TERM CARE INSURANCE POLICY OR CERTIFICATE.

(28) Requirement to Deliver Shopper's Guide.

(A) A long-term care insurance shopper's guide in the format developed by the NAIC, or a guide developed or approved by the director, shall be provided to all prospective applicants of a long-term care insurance policy or certificate.

1. In the case of producer solicitations, a producer must deliver the shopper's guide prior to the presentation of an application or enrollment form.

2. In the case of direct response solicitations, the shopper's guide must be presented in conjunction with any application or enrollment form.

(B) Life insurance policies or riders containing accelerated long-term care benefits are not required to furnish the above-referenced guide, but shall furnish the policy summary required under section 376.1115, RSMo.

APPENDIX A

**RESCISSION REPORTING FORM FOR
LONG-TERM CARE POLICIES
FOR THE STATE OF MISSOURI
FOR THE REPORTING YEAR 20[ ]**

Company Name: _____

Address: _____

Phone Number: _____

Due: March 1 annually

Instructions:
The purpose of this form is to report all rescissions of long-term care insurance policies or certificates. Those rescissions voluntarily effectuated by an insured are not required to be included in this report. Please furnish one (1) form per rescission.

Policy Form #	Policy and Certificate #	Name of Insured	Date of Policy Issuance	Date/s Claim/s Submitted	Date of Rescission

Detailed reason for rescission: _____

_____

_____

_____

_____

_____
Signature

_____
Name and Title (please type)

_____
Date

APPENDIX B

Long-Term Care Insurance
Personal Worksheet

People buy long-term care insurance for many reasons. Some don't want to use their own assets to pay for long-term care. Some buy insurance to make sure they can choose the type of care they get. Others don't want their family to have to pay for care or don't want to go on Medicaid. But long-term care insurance may be expensive, and may not be right for everyone.

By state law, the insurance company must fill out part of the information on this worksheet and **ask** you to fill out the rest to help you and the company decide if you should buy this policy.

Premium Information

Policy Form Numbers _____

The premium for the coverage you are considering will be [$_____ per month, or $_____ per year,] [a one-time single premium of $_____.]

Type of Policy (noncancellable/guaranteed renewable): _____

The Company's Right to Increase Premiums: _____

[The company cannot raise your rates on this policy.] [The company has a right to increase premiums on this policy form in the future, provided it raises rates for all policies in the same class in this state.] [Insurers shall use appropriate bracketed statement. Rate guarantees shall not be shown on this form.]

Rate Increase History The company has sold long-term care insurance since [year] and has sold this policy since [year]. [The company has never raised its rates for any long-term care policy it has sold in this state or any other state.] [The company has not raised its rates for this policy form or similar policy forms in this state or any other state in the last ten (10) years.] [The company has raised its premium rates on this policy form or similar policy forms in the last ten (10) years. Following is a summary of the rate increases.]

Questions Related to Your Income

How will you pay each year's premium?
☐ From my Income ☐ From my Savings/Investments ☐ My Family will Pay

[☐ Have you considered whether you could afford to keep this policy if the premiums went up, for example, by 20%?]

Drafting Note: This is not required if the policy is fully paid up or is a noncancellable policy.

What is your annual income? (check one) ☐ Under $10,000 ☐ $[10–20,000] ☐ $[20–30,000] ☐ $[30–50,000] ☐ Over $50,000

Drafting Note: The issuer may choose the numbers to put in the brackets to fit its suitability standards.

How do you expect your income to change over the next ten (10) years? (check one)
☐ No change ☐ Increase ☐ Decrease

If you will be paying premiums with money received only from your own income, a rule of thumb is that you may not be able to afford this policy if the premiums will be more than 7% of your income.

Will you buy inflation protection? (check one) ☐ Yes ☐ No

If not, have you considered how you will pay for the difference between future costs and your daily benefit amount?

☐ From my Income ☐ From my Savings/Investments ☐ My Family will Pay

The national average annual cost of care in [insert year] was [insert $ amount], but this figure varies across the country. In ten (10) years the national average annual cost would be about [insert $ amount] if costs increase 5% annually.

Drafting Note: The projected cost can be based on federal estimates in a current year. In the above statement, the second figure equals 163% of the first figure.

What elimination period are you considering? Number of days _____Approximate cost $_____ for that period of care.

How are you planning to pay for your care during the elimination period? (check one)
☐ From my Income ☐ From my Savings/Investments ☐ My Family will Pay

Questions Related to Your Savings and Investments

Not counting your home, about how much are all of your assets (your savings and investments) worth? (check one)
☐ Under $20,000 ☐ $20,000–$30,000 ☐ $30,000–$50,000 ☐ Over $50,000

How do you expect your assets to change over the next ten (10) years? (check one)
☐ Stay about the same ☐ Increase ☐ Decrease

If you are buying this policy to protect your assets and your assets are less than $30,000, you may wish to consider other options for financing your long-term care.

Disclosure Statement

☐ The answers to the questions above describe my financial situation.
Or
☐ I choose not to complete this information.
(Check one.)

☐ I acknowledge that the carrier and/or its producer (below) has reviewed this form with me including the premium, premium rate increase history and potential for premium increases in the future. [For direct mail situations, use the following: I acknowledge that I have reviewed this form including the premium, premium rate increase history and potential for premium increases in the future.] I understand the above disclosures. **I understand that the rates for this policy may increase in the future.** (This box must be checked).

Signed:_____ _____
(Applicant) (Date)

[☐ I explained to the applicant the importance of completing this information.

Signed:_____ _____
(Producer) (Date)

Producer's Printed Name: _____]

[In order for us to process your application, please return this signed statement to [name of company], along with your application.]

[My producer has advised me that this policy does not seem to be suitable for me. However, I still want the company to consider my application.

Drafting Note: Choose the appropriate sentences depending on whether this is a direct mail or producer sale.

Signed:_____ _____
(Applicant) (Date)

Drafting Note: When the Long-Term Care Insurance Personal Worksheet is furnished to employees and their spouses under employer group policies, the text from the heading "Disclosure Statement" to the end of the page may be removed.

The company may contact you to verify your answers.

APPENDIX C

Things You Should Know Before You Buy
Long-Term Care Insurance

Long-Term Care Insurance

- A long-term care insurance policy may pay most of the costs for your care in a nursing home. Many policies also pay for care at home or other community settings. Since policies can vary in coverage, you should read this policy and make sure you understand what it covers before you buy it.
- [You should **not** buy this insurance policy unless you can afford to pay the premiums every year.] [Remember that the company can increase premiums in the future.]

Drafting Note: For single premium policies, delete this bullet; for noncancellable policies, delete the second sentence only.

- The personal worksheet includes questions designed to help you and the company determine whether this policy is suitable for your needs.

Medicare

- Medicare does **not** pay for most long-term care.

Medicaid

- Medicaid will generally pay for long-term care if you have very little income and few assets. You probably should **not** buy this policy if you are now eligible for Medicaid.
- Many people become eligible for Medicaid after they have used up their own financial resources by paying for long-term care services.
- When Medicaid pays your spouse's nursing home bills, you are allowed to keep your house and furniture, a living allowance, and some of your joint assets.
- Your choice of long-term care services may be limited if you are receiving Medicaid. To learn more about Medicaid, contact your local or state Medicaid agency.

Shopper's Guide

- Make sure the insurance company or producer gives you a copy of a book called the National Association of Insurance Commissioners' "Shopper's Guide to Long-Term Care Insurance." Read it carefully. If you have decided to apply for long-term care insurance, you have the right to return the policy within thirty (30) days and get back any premium you have paid if you are dissatisfied for any reason or choose not to purchase the policy.

Counseling

- Free counseling and additional information about long-term care insurance are available through your state's insurance counseling program. Contact your state insurance department or department on aging for more information about the senior health insurance counseling program in your state.

APPENDIX D

Long-Term Care Insurance Suitability Letter

Dear [Applicant]:

Your recent application for long-term care insurance included a "personal worksheet," which asked questions about your finances and your reasons for buying long-term care insurance. For your protection, state law requires us to consider this information when we review your application, to avoid selling a policy to those who may not need coverage.

[Your answers indicate that long-term care insurance may not meet your financial needs. We suggest that you review the information provided along with your application, including the booklet "Shopper's Guide to Long-Term Care Insurance" and the page titled "Things You Should Know Before Buying Long-Term Care Insurance." Your state insurance department also has information about long-term care insurance and may be able to refer you to a counselor free of charge who can help you decide whether to buy this policy.]

[You chose not to provide any financial information for us to review.]

Drafting Note: Choose the paragraph that applies.

We have suspended our final review of your application. If, after careful consideration, you still believe this policy is what you want, check the appropriate box below and return this letter to us within the next sixty (60) days. We will then continue reviewing your application and issue a policy if you meet our medical standards.

If we do not hear from you within the next sixty (60) days, we will close your file and not issue you a policy. You should understand that you will not have any coverage until we hear back from you, approve your application and issue you a policy.

Please check one box and return in the enclosed envelope.

☐ **Yes**, [although my worksheet indicates that long-term care insurance may not be a suitable purchase,] I wish to purchase this _____ coverage. Please resume review of my application.

Note: Delete the phrase in brackets if the applicant did not answer the questions about income.

☐ **No.** I have decided not to buy a policy at this time.

_____ _____

APPLICANT'S SIGNATURE DATE

Please return to [issuer] at [address] by [date].

APPENDIX E

Claims Denial Reporting Form
Long-Term Care Insurance

For the State of Missouri
For the Reporting Year of _____

Company Name: _____ Due: June 30 annually

Company Address: _____

_____

Company NAIC Number: _____

Contact Person: _____ Phone Number: _____

Line of Business: Individual Group

Instructions

The purpose of this form is to report all long-term care claim denials under in-force long-term care insurance policies. "Denied" means a claim that is not paid for any reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition.

1. The nationwide data may be viewed as a more representative and credible indicator where the data for claims reported and denied for your state are small in number.
2. Example—home health care claim filed under a nursing home only policy.

		State Data	**Nationwide Data**[1]
1	Total Number of Long-Term Care Claims Reported		
2	Total Number of Long-Term Care Claims Denied/Not Paid		
3	Number of Claims Not Paid due to Preexisting Condition Exclusion		
4	Number of Claims Not Paid due to Waiting (Elimination) Period Not Met		
5	Net Number of Long-Term Care Claims Denied for Reporting Purposes (Line 2 Minus Line 3 Minus Line 4)		
6	Percentage of Long-Term Care Claims Denied of Those Reported (Line 5 Divided By Line 1)		
7	Number of Long-Term Care Claim Denied due to:		
8	• Long-Term Care Services Not Covered under the Policy[2]		
9	• Provider/Facility Not Qualified under the Policy[3]		
10	• Benefit Eligibility Criteria Not Met[4]		
11	• Other		

3. Example—a facility that does not meet the minimum level of care requirements or the licensing requirements as outlined in the policy.
4. Examples—a benefit trigger not met, certification by a licensed health care practitioner not provided, no plan of care.

APPENDIX F

Instructions:

This form provides information to the applicant regarding premium rate schedules, rate schedule adjustments, potential rate revisions, and policyholder options in the event of a rate increase.

Insurers shall provide all of the following information to the applicant:

Long-Term Care Insurance
Potential Rate Increase Disclosure Form

1. **[Premium Rate] [Premium Rate Schedules]**: [Premium rate] [Premium rate schedules] that [is][are] applicable to you and that will be in effect until a request is made and [filed][approved] for an increase [is][are] [on the application][$_____]

2. **The [premium] [premium rate schedule] for this policy [will be shown on the schedule page of] [will be attached to] your policy.**

3. **Rate Schedule Adjustments**:

   The company will provide a description of when premium rate or rate schedule adjustments will be effective (e.g., next anniversary date, next billing date, etc.) (fill in the blank): _____

4. **Potential Rate Revisions:**

   This policy is Guaranteed Renewable. This means that the rates for this product may be increased in the future. Your rates can NOT be increased due to your increasing age or declining health, but your rates may go up based on the experience of all policyholders with a policy similar to yours.

   If you receive a premium rate or premium rate schedule increase in the future, you will be notified of the new premium amount and you will be able to exercise at least one of the following options:

   - Pay the increased premium and continue your policy in force as is.
   - Reduce your policy benefits to a level such that your premiums will not increase. (Subject to state law minimum standards.)
   - Exercise your nonforfeiture option if purchased. (This option is available for purchase for an additional premium.)
   - Exercise your contingent nonforfeiture rights.* (This option may be available if you do not purchase a separate nonforfeiture option.)

Turn the Page

*** Contingent Nonforfeiture**

If the premium rate for your policy goes up in the future and you didn't buy a nonforfeiture option, you may be eligible for contingent nonforfeiture. Here's how to tell if you are eligible:

You will keep some long-term care insurance coverage, if:

- Your premium after the increase exceeds your original premium by the percentage shown (or more) in the following table; and
- You lapse (not pay more premiums) within one hundred-twenty (120) days of the increase.

The amount of coverage (i.e., new lifetime maximum benefit amount) you will keep will equal the total amount of premiums you've paid since your policy was first issued. If you have already received benefits under the policy, so that the remaining maximum benefit amount is less than the total amount of premiums you've paid, the amount of coverage will be that remaining amount.

Except for this reduced lifetime maximum benefit amount, all other policy benefits will remain at the levels attained at the time of the lapse and will not increase thereafter. Should you choose this Contingent Nonforfeiture option, your policy, with this reduced maximum benefit amount, will be considered "paid-up" with no further premiums due.

Example:

- You bought the policy at age 65 and paid the $1,000 annual premium for 10 years, so you have paid a total of $10,000 in premium.
- In the eleventh year, you receive a rate increase of 50%, or $500 for a new annual premium of $1,500, and you decide to lapse the policy (not pay any more premiums).
- Your "paid-up" policy benefits are $10,000 (provided you have at least $10,000 of benefits remaining under your policy.)

Turn the Page

Contingent Nonforfeiture
Cumulative Premium Increase over Initial Premium
That Qualifies for Contingent Nonforfeiture

(Percentage increase is cumulative from date of original issue. It does NOT represent a one-time increase.)

Issue Age	Percent Increase Over Initial Premium
29 and under	200%
30–34	190%
35–39	170%
40–44	150%
45–49	130%
50–54	110%
55–59	90%
60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%
67	46%
68	44%
69	42%
70	40%
71	38%
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%
78	24%
79	22%
80	20%
81	19%
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

Appendix G

Long-Term Care Insurance
Replacement and Lapse Reporting Form

For the State of Missouri

For the Reporting Year of _____

Company Name: _____
Company Address: _____
Contact Person: _____

Due: June 30 annually
Company NAIC Number: _____
Phone Number: (___)_____

Instructions

The purpose of this form is to report on a statewide basis information regarding long-term care insurance policy replacements and lapses. Specifically, every insurer shall maintain records for each producer on that producer's amount of long-term care insurance replacement sales as a percent of the producer's total annual sales and the amount of lapses of long-term care insurance policies sold by the producer as a percent of the producer's total annual sales. The tables below should be used to report the ten percent (10%) of the insurer's producers with the greatest percentages of replacements and lapses.

Listing of the 10% of Producers with the Greatest Percentage of Replacements

Producer's Name	Number of Policies Sold By This Producer	Number of Policies Replaced By This Producer	Number of Replacements As % of Number Sold By This Producer

Listing of the 10% of Producers with the Greatest Percentage of Lapses

Producer's Name	Number of Policies Sold By This Producer	Number of Policies Lapsed By This Producer	Number of Lapses As % of Number Sold By This Producer

Company Totals

Percentage of Replacement Policies Sold to Total Annual Sales ____%

Percentage of Replacement Policies Sold to Policies In Force (as of the end of the preceding calendar year) ____%

Percentage of Lapsed Policies to Total Annual Sales _____%

Percentage of Lapsed Policies to Policies In Force (as of the end of the preceding calendar year) _____%

AUTHORITY: sections 374.045 and 536.016, RSMo 2000 and 376.1109, 376.1127 and 376.1130, RSMo Supp. 2002. Original rule filed June 28, 1991, effective Sept 30, 1991. Amended: Filed July 12, 2002, effective Jan. 30, 2003. Rescinded and readopted: Filed March 17, 2003.

PUBLIC COST: This proposed rule is a modification of a current regulation. It is being proposed in this form rather than as a proposed amendment because of the substantial changes to the regulation's organizational structure. Any substantive changes to the regulation's provisions, however, should not impose any greater burden on the Department of Insurance than the current regulation. Accordingly, this proposed regulation will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on May 20, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on May 20, 2003. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

FISCAL NOTE
PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	20 CSR 400-4.100, Long-Term Care Insurance
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
53	Insurance companies writing individual long-term care insurance policies	$530,000
6	Insurance companies writing group long-term care insurance policies	$60,000

III. WORKSHEET

53 companies (individual policies)	*	$10,000 (each)	=	$530,000
6 companies (group policies)	*	$10,000 (each)	=	$ 60,000
TOTAL (all companies)				$590,000

IV. ASSUMPTIONS

According to data obtained by the department, all insurers that are actively marketing long-term care insurance in Missouri and that reported written premium through 2001 are also licensed in at least one (1) other state that has adopted the latest version of the NAIC model long-term care regulation, upon which the proposed rule is based. Because those insurers must comply with the other states' statutes and regulations modeled after the NAIC rule, it would appear that the fiscal impact of Missouri's adoption of the regulation would be minimized. In addition, a majority of the long-term care policies submitted to the department for approval over the last year or two have been worded to comply with the model regulation.

However, the department acknowledges that companies marketing individual and group policies in Missouri after the promulgation of the proposed rule may have some increased costs to comply with this particular rule. For example, there may be costs associated with training Missouri producers to comply with the rule or actuarial costs associated with determining rates and other risk factors that may be Missouri-specific. For these reasons, the department has estimated that the aggregate costs to private companies marketing long-term care insurance to comply with the proposed regulation would be $10,000 per company in the aggregate.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure for All Contested Cases Under Statutory Jurisdiction

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby amends a rule as follows:

1 CSR 15-3.200 Subject Matter is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2266). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 40—Purchasing and Materials Management
Chapter 1—Procurement

ORDER OF RULEMAKING

By the authority vested in the Office of Administration under section 630.405.5, RSMo Supp. 2001, the commissioner adopts a rule as follows:

1 CSR 40-1.090 Waiver of Procedures Contained in Chapter 34, RSMo, Related to Cost and Pricing **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2003 (28 MoReg 8). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.230 Class I Wildlife **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 3, 2003 (28 MoReg 225–226). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-2.070 Complaints **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2269–2270). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-2.080 Pleadings **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2270). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-2.085 Dismissal of Cases **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2270). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-2.090 Discovery and Prehearings **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2270–2271). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-2.100 Subpoenas and Formal Investigations **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2271). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-2.110 Hearings **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2271). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-2.115 Continuances **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2271–2272). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-2.116 Interventions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2272). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-2.120 Evidence **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2272). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-2.130 Briefs and Oral Argument **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2272–2273). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-2.140 Decisions of the Division **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2273). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-2.150 Rehearings **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2273). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 4—Standards of Conduct

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-4.010 Gratuities and Private Employment **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2273). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad Safety
Chapter 4—Standards of Conduct

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 622.027, RSMo 2000, 226.008.4, RSMo Supp. 2002 and 621.198, RSMo Supp. 2001, the commission hereby rescinds a rule as follows:

4 CSR 265-4.020 Conduct During Proceedings **is rescinded**.

A notice of the proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2274). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 3—Utility and Private Line Location and Relocation

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-3.010 Location and Relocation of Utility Facilities on State Highways **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2058–2063). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission secretary received two (2) comments to the proposed amendment.

COMMENT: John F. Medler, Jr., on behalf of Southwestern Bell Telephone, L.P., requested that the minimum cover requirements for fiber optic crossing encased in polyethylene (PE) pipe be reduced to a depth of forty-two inches (42"), equal to the minimum cover for steel or other rigid conduit.
RESPONSE: The current minimum cover for fiber optic cable crossings encased in polyethylene (PE) pipe is seventy-two inches (72"). This depth is necessary for the protection of the product or cable as polyethylene is more susceptible to damage than steel or other rigid conduit.

COMMENT: David B. Abernathy, on behalf of Missouri-American Water Company, submitted a letter indicating that the company concurs and shares the comments of Southwestern Bell Telephone, L.P.
RESPONSE: See response to above comment.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 3—Utility and Private Line Location and Relocation

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission adopts a rule as follows:

7 CSR 10-3.040 Division of Relocation Costs **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2063). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission secretary received comments from three (3) separate entities on the proposed rule.

COMMENT: John F. Medler, Jr., on behalf of Southwestern Bell Telephone, L.P., requested deleting the wording in subsection (1)(B) which makes reference to right-of-way of a public road or street so that the subsection only makes reference to state highway right-of-way and also requests subsection (1)(B) include wording to the effect that a state highway purpose "shall not include a relocation necessary to accommodate a private development, a sidewalk, a bike path, a landscape median, aesthetic improvements, a nature trail, a soundwall, and other similar non-highway purposes." Southwestern Bell Telephone, L.P. also suggested that subsections (2)(B), (2)(E), and (3)(E) violate the Federal Telecommunications Act of 1996 in that these sections treat privately-owned telephone companies differently than city-owned telephone companies and recommends that the rule should have a specific provision which states, "utilities owned by governmental entities or political subdivisions shall, in all respects, be treated the same for reimbursement purposes as privately owned utilities." Further, Southwestern Bell Telephone disagrees that the cost of this proposed rule will not exceed five hundred dollars ($500) in the aggregate.
RESPONSE: The rule as proposed by the commission does not alter the current practice of the commission reimbursing utility companies

for relocation of utilities on private easements. This proposed rule simply clarifies the current practice that whenever a commission project requires relocation of a utility on any public right-of-way, including city or county right-of-way, the relocation is at the cost of the utility. Since this proposed rule does not alter the prior and current practice with regard to the cost responsibilities, the rule does not result in an additional cost to private or public entities. A utility's interest in a city street right-of-way is not different in nature than a utility's interest on commission right-of-way and is not akin to a private easement. In addition, the commission cannot state that a highway purpose will never include a private development, a sidewalk, bike path, landscape median, aesthetic improvements, a nature trail, or a sound wall since under some scenarios all could be considered a highway purpose.

With respect to subsections (2)(B), (2)(E), and (3)(E) a city utility moving from city right-of-way is the same as a private utility moving from private easement for which the commission provides reimbursement. The commission does not agree that allowing city or county owned utilities certain repayment options are the types of actions prohibited by the Federal Telecommunication Act of 1996.

COMMENT: Michael F. Barnes, on behalf of Ameren UE, requested deleting the phrase "public road or street" from subsection (1)(B). Ameren UE further alleges that subsection (1)(B) is in direct conflict with statutory law and the "Master Reimbursable Utility Agreement," is overbroad, and is an unfair expense for the utilities in its assertion that when the utility facilities are on state right-of-way, "the relocation must be effected at the expense of the utility." Ameren UE asserts that statutes give the commission the discretion to charge utility relocation to parties other than the utility company and that in the past the company has been required to pay for relocation of its utility facilities for "enhancement" purposes rather than customary highway construction and maintenance purposes." Ameren UE requests subsection (1)(B) be changed to read "When the utility facilities are on state highway right-of-way, the commission may order that the relocation be effected at the expense of the utility to the extent required by essential highway construction and maintenance requirements. The utility shall not be required to pay for relocation to the extent required by non-essential highway construction and maintenance." Further, Ameren UE suggests section (4) contradicts subsection (1)(A) and requests section (4) be deleted.

RESPONSE: The commission refers to its above response to comments received from Southwestern Bell Telephone. In addition the commission does not agree that the rule conflicts with any master reimbursable utility agreement nor does the commission find a conflict between section (4) and subsection (1)(A). Section (4) does not state that the commission will not pay for future relocations.

COMMENT: David P. Abernathy, on behalf of Missouri-American Water Company, submitted a letter stating that the company's comments were consistent with those expressed by Southwestern Bell Telephone and Ameren UE.

RESPONSE: See above responses to comments received from Southwestern Bell Telephone and Ameren UE.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 6—National Guard Armory Rentals

ORDER OF RULEMAKING

By the authority vested in the Office of the Adjutant General under sections 41.160 and 41.210, RSMo 2000, the director adopts a rule as follows:

11 CSR 10-6.010 National Guard Armory Rentals **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2285–2287). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.171, RSMo 2000, the director amends a rule as follows:

12 CSR 10-24.448 Proof of Identity and Proof of Social Security Number Required for Issuance of a Driver or Nondriver License **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2003 (28 MoReg 34). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.202, 409.305, 409.413, and 409.414, RSMo 2000, the commissioner amends a rule as follows:

15 CSR 30-50.030 Fees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendement was published in the *Missouri Register* on January 2, 2003 (28 MoReg 34–35). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 10—Office of the Director
Chapter 4—Coordinated Health Care Services

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 191.411, RSMo Supp. 2001, the department amends a rule as follows:

19 CSR 10-4.020 J-1 Visa Waiver Program **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2003 (28 MoReg 35–36). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
West Community Credit Union 2345 South Brentwood St. Louis, MO 63144	Persons living or working in St. Charles County, Missouri.
Metro Credit Union 447 S. Campbell Springfield, MO 65806	Those who live or work in the following zip codes: 65802, 65803, 65804, 65809, 65810, 65714, 65721.

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids will be received by the Division of Purchasing, Room 630, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us.

B1E03236 PVC Soling Compound 4/15/03
B1E03248 Frozen Foods: Bagels 4/15/03
B3E03186 Janitorial Services-K.C.-8500 E. Bannister 4/15/03
B3Z03123 Advertising Agency of Record-Tourism 4/15/03
B1E03238 Professional Photographic Supplies 4/16/03
B1E03239 Staining Products and Supplies 4/16/03
B1E03249 Food Products: Soup, Sauces & Gravy Mixes 4/16/03
B3E03204 Janitorial Services-Jefferson City, MO 4/16/03
B1E03247 Skid Steer Loaders 4/17/03
B3E03192 Medical Laboratory Services 4/17/03
B3Z03141 Food Warehousing & Delivery Services 4/17/03
B3Z03171 Safety Training Services 4/17/03
B1E03217 Air Conditioning Parts-Liebert Air 4/18/03
B1E03242 HVAC Maintenance/Supplies-Siebe Network 8000 4/18/03
B1E03251 Boat, Motor, and Trailer 4/18/03
B1E03252 Boat, Motor, and Trailer 4/18/03
B3E03206 Personal Care Assessment Services 4/18/03
B3Z03196 Emergency Operation Plans-Local Jurisdictions 4/18/03
B2Z03055 Blaze Advisor Software & Support Services 4/21/03
B3E03191 Janitorial Services-2530 S. Campbell 4/21/03
B3E03223 Vending Machine Service 4/21/03
B1E03245 Fabric: Muslin Sheeting 4/22/03
B1E03250 Medical File Folders 4/22/03
B1E03262 Dairy Products-CCC 4/22/03
B1E03263 Grocery Item: Cookies 4/22/03
B3E03189 Trash Collection at Moberly Correctional Center 4/22/03
B1E03228 Dryers 4/23/03
B1E03261 Dairy Products: Cheese 4/23/03
B2Z03051 Remote LAN Access 4/23/03
B3E03210 Janitorial Services-Jefferson City, MO 4/23/03
B1E03260 Equipment: Portal Screening System 4/24/03
B3Z03177 Training-Bioterrorism 4/24/03
B3E03203 Janitorial Services-Joplin, MO 4/25/03
B3E03209 Janitorial Services-Columbia, MO 4/25/03
B3E03225 Trash Service 4/25/03
B3E03227 Therapy Services for the Hearing Impaired 4/25/03
B3Z03194 Dental Well Being Committee 4/25/03
B1E03269 Reagents & Supplies 4/28/03
B1E03232 Equipment: Mail System 4/29/03
B1E03257 Backhoe/Loader 4/29/03
B3E03224 Printing-Permanent Disabled Person Placards 4/29/03
B3E03226 Security Guard Services-Kansas City 4/29/03
B3Z03169 Mail Services 4/29/03
B3Z03125 Medical Laboratory Services 4/30/03
B3Z03215 Communications Plan-Public Health Emergency 4/30/03
B3Z03154 Child Support Services and Collections 5/2/03
B3E03188 Janitorial Services-West Plains, MO 5/6/03
B3E03212 Janitorial Services-Warrensburg, MO 5/7/03
B3E03211 Janitorial Services-310 NW Englewood Drive 5/9/03
B1Z03214 Airplane: Beechcraft King Air C90B 5/13/03
B3Z03086 Credit Card Services 5/14/03
B3Z03094 Intermediary for Missouri Afterschool Resource Center 5/16/03

It is the intent of the State of Missouri, Division of Purchasing to purchase each of the following as a single feasible source without competitive bids. If suppliers exist other than the ones identified, please call (573) 751-2387 immediately.

1.) AASHTOware Software Maintenance Support Services, supplied by AASHTO.
2.) Library Station Software and Maintenance, supplied by StorageTek.
3.) Book Publications, supplied by the West Group (For a detailed listing please contact Rachel Dietzel at (573) 522-3296.
4.) Health and Safety Compliance Training Series Program, supplied by the Missouri Hospital Association.
5.) Samples of Literacy Skills of Adults, supplied by Westat.

1.) Applied Biosystems Reagents & Supplies, supplied by Applied Biosystems of Foster City, CA.
2.) Gerber Equipment Maintenance, supplied by Gerber Technology, Inc.
3.) Pharmacy Data Systems Software and Maintenance, supplied by QuadraMed Corporation.
4.) Datametrics Printheads, supplied by the Datametrics Corporation.

James Miluski, CPPO,
Director of Purchasing

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—26 (2001), 27 (2002) and 28 (2003). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724
1 CSR 15-3.200	Administrative Hearing Commission	27 MoReg 2259	27 MoReg 2266	This Issue	
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel		28 MoReg 225		
1 CSR 40-1.090	Purchasing and Materials Management		28 MoReg 8	This Issue	
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-2.010	Animal Health		28 MoReg 399 This Issue		
2 CSR 30-2.020	Animal Health		28 MoReg 399 This Issue This Issue		
2 CSR 30-2.040	Animal Health		28 MoReg 400 This Issue		
2 CSR 30-6.020	Animal Health		28 MoReg 400		
2 CSR 70-16.010	Plant Industries		28 MoReg 308		
2 CSR 70-16.015	Plant Industries		28 MoReg 308		
2 CSR 70-16.020	Plant Industries		28 MoReg 309		
2 CSR 70-16.025	Plant Industries		28 MoReg 309		
2 CSR 70-16.030	Plant Industries		28 MoReg 312		
2 CSR 70-16.035	Plant Industries		28 MoReg 314		
2 CSR 70-16.040	Plant Industries		28 MoReg 314		
2 CSR 70-16.045	Plant Industries		28 MoReg 314		
2 CSR 70-16.050	Plant Industries		28 MoReg 315		
2 CSR 70-16.055	Plant Industries		28 MoReg 315		
2 CSR 70-16.060	Plant Industries		28 MoReg 316		
2 CSR 70-16.065	Plant Industries		28 MoReg 318		
2 CSR 70-16.070	Plant Industries		28 MoReg 318		
2 CSR 70-16.075	Plant Industries		28 MoReg 318		
2 CSR 80-5.010	State Milk Board		28 MoReg 637		
2 CSR 90-10.040	Weights and Measures		27 MoReg 1161		
2 CSR 90-30.050	Weights and Measures		27 MoReg 1565		
2 CSR 90-36.010	Weights and Measures		27 MoReg 2053R 27 MoReg 2053	28 MoReg 654R 28 MoReg 654	
2 CSR 90-36.020	Weights and Measures		27 MoReg 2058R		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-1.010	Conservation Commission		28 MoReg 8	28 MoReg 567	
3 CSR 10-7.455	Conservation Commission		N.A.	28 MoReg 654	
3 CSR 10-9.110	Conservation Commission		28 MoReg 400		
3 CSR 10-9.230	Conservation Commission		28 MoReg 225	This Issue	
3 CSR 10-9.565	Conservation Commission		28 MoReg 401		
3 CSR 10-11.186	Conservation Commission		28 MoReg 402		
3 CSR 10-11.205	Conservation Commission		28 MoReg 402		
3 CSR 10-11.210	Conservation Commission		28 MoReg 403		
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 10-2.022	Missouri State Board of Accountancy		27 MoReg 2266		
4 CSR 30-3.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2127	28 MoReg 567	
4 CSR 30-3.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2127	28 MoReg 567	
4 CSR 30-4.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2128	28 MoReg 568	
4 CSR 30-4.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2128R	28 MoReg 568R	
4 CSR 30 4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 128		
4 CSR 30-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2129	28 MoReg 568	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-5.140	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2132	28 MoReg 568	
4 CSR 30-5.150	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135	28 MoReg 568	
4 CSR 30-9.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135R	28 MoReg 569R	
4 CSR 30-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135	28 MoReg 569	
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2139	28 MoReg 569	
4 CSR 30-11.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 131		
4 CSR 30-12.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2144	28 MoReg 569	
4 CSR 30-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145		
4 CSR 30-15.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145R	28 MoReg 569R	
4 CSR 90-13.010	State Board of Cosmetology		28 MoReg 135		
4 CSR 90-13.050	State Board of Cosmetology		28 MoReg 137		
4 CSR 100	Division of Credit Unions				28 MoReg 361 This Issue
4 CSR 140-2.055	Division of Finance		28 MoReg 319		
4 CSR 140-2.140	Division of Finance		28 MoReg 320		
4 CSR 140-11.010	Division of Finance		28 MoReg 320R		
4 CSR 140-11.020	Division of Finance		28 MoReg 320R		
4 CSR 140-11.030	Division of Finance		28 MoReg 321		
4 CSR 140-11.040	Division of Finance		28 MoReg 322		
4 CSR 150-2.150	State Board of Registration for the Healing Arts		27 MoReg 2267	28 MoReg 655	
4 CSR 150-3.200	State Board of Registration for the Healing Arts		27 MoReg 2267	28 MoReg 655	
4 CSR 150-5.100	State Board of Registration for the Healing Arts		27 MoReg 2146		
4 CSR 150-8.140	State Board of Registration for the Healing Arts		28 MoReg 139		
4 CSR 196-1.010	Landscape Architectural Council		27 MoReg 2146R		
4 CSR 196-1.020	Landscape Architectural Council		27 MoReg 2147R	28 MoReg 570R	
4 CSR 196-2.020	Landscape Architectural Council		27 MoReg 2147R	28 MoReg 570R	
4 CSR 196-2.030	Landscape Architectural Council		27 MoReg 2147R	28 MoReg 570R	
4 CSR 196-2.040	Landscape Architectural Council		27 MoReg 2148R	28 MoReg 570R	
4 CSR 196-3.010	Landscape Architectural Council		27 MoReg 2148R	28 MoReg 570R	
4 CSR 196-4.010	Landscape Architectural Council		27 MoReg 2148R	28 MoReg 570R	
4 CSR 196-5.010	Landscape Architectural Council		27 MoReg 2148R	28 MoReg 571R	
4 CSR 196-6.010	Landscape Architectural Council		27 MoReg 2149R	28 MoReg 571R	
4 CSR 196-7.010	Landscape Architectural Council		27 MoReg 2149R	28 MoReg 571R	
4 CSR 196-9.010	Landscape Architectural Council		27 MoReg 2149R	28 MoReg 571R	
4 CSR 196-10.010	Landscape Architectural Council		27 MoReg 2150R	28 MoReg 571R	
4 CSR 196-11.010	Landscape Architectural Council		27 MoReg 2150R	28 MoReg 571R	
4 CSR 196-12.010	Landscape Architectural Council		27 MoReg 2150R	28 MoReg 572R	
4 CSR 200-4.010	State Board of Nursing		28 MoReg 541		
4 CSR 200-4.200	State Board of Nursing		27 MoReg 2150		
4 CSR 205-3.030	Missouri Board of Occupational Therapy		27 MoReg 2151	28 MoReg 572	
4 CSR 205-3.040	Missouri Board of Occupational Therapy		27 MoReg 2152	28 MoReg 572	
4 CSR 205-3.050	Missouri Board of Occupational Therapy		27 MoReg 2152	28 MoReg 572	
4 CSR 205-3.060	Missouri Board of Occupational Therapy		27 MoReg 2152	28 MoReg 572	
4 CSR 205-4.010	Missouri Board of Occupational Therapy		27 MoReg 2153	28 MoReg 572	
4 CSR 205-5.010	Missouri Board of Occupational Therapy		27 MoReg 2153	28 MoReg 573	
4 CSR 220-2.010	State Board of Pharmacy		28 MoReg 543		
4 CSR 220-2.020	State Board of Pharmacy		28 MoReg 9		
4 CSR 220-2.030	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.130	State Board of Pharmacy		28 MoReg 403		
4 CSR 220-2.190	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.200	State Board of Pharmacy		28 MoReg 10R 28 MoReg 10		
4 CSR 220-2.400	State Board of Pharmacy		28 MoReg 20		
4 CSR 220-2.650	State Board of Pharmacy		28 MoReg 21		
4 CSR 220-2.700	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.900	State Board of Pharmacy		28 MoReg 543		
4 CSR 230-2.070	State Board of Podiatric Medicine		28 MoReg 139		
4 CSR 232-3.010	Missouri State Committee of Interpreters		27 MoReg 2269	28 MoReg 655	
4 CSR 235-1.020	State Committee of Psychologists		28 MoReg 545		
4 CSR 240-2.060	Public Service Commission		27 MoReg 1576	28 MoReg 441	
4 CSR 240-2.200	Public Service Commission		27 MoReg 1578R	28 MoReg 442R	
4 CSR 240-3.010	Public Service Commission		27 MoReg 1578	28 MoReg 442	
4 CSR 240-3.015	Public Service Commission		27 MoReg 1580	28 MoReg 442	
4 CSR 240-3.020	Public Service Commission		27 MoReg 1580	28 MoReg 442	
4 CSR 240-3.025	Public Service Commission		27 MoReg 1580	28 MoReg 443	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.030	Public Service Commission		27 MoReg 1581	28 MoReg 443	
4 CSR 240-3.100	Public Service Commission		27 MoReg 1582	28 MoReg 443	
4 CSR 240-3.105	Public Service Commission		27 MoReg 1583	28 MoReg 444	
4 CSR 240-3.110	Public Service Commission		27 MoReg 1584	28 MoReg 445	
4 CSR 240-3.115	Public Service Commission		27 MoReg 1584	28 MoReg 445	
4 CSR 240-3.120	Public Service Commission		27 MoReg 1585	28 MoReg 445	
4 CSR 240-3.125	Public Service Commission		27 MoReg 1585	28 MoReg 445	
4 CSR 240-3.130	Public Service Commission		27 MoReg 1586	28 MoReg 445	
4 CSR 240-3.135	Public Service Commission		27 MoReg 1586	28 MoReg 446	
4 CSR 240-3.140	Public Service Commission		27 MoReg 1587	28 MoReg 446	
4 CSR 240-3.145	Public Service Commission		27 MoReg 1588	28 MoReg 446	
4 CSR 240-3.150	Public Service Commission		27 MoReg 1591	28 MoReg 446	
4 CSR 240-3.155	Public Service Commission		27 MoReg 1592	28 MoReg 446	
4 CSR 240-3.160	Public Service Commission		27 MoReg 1593	28 MoReg 447	
4 CSR 240-3.165	Public Service Commission		27 MoReg 1593	28 MoReg 447	
4 CSR 240-3.175	Public Service Commission		27 MoReg 1594	28 MoReg 447	
4 CSR 240-3.180	Public Service Commission		27 MoReg 1594	28 MoReg 448	
4 CSR 240-3.185	Public Service Commission		27 MoReg 1595	28 MoReg 448	
4 CSR 240-3.190	Public Service Commission		27 MoReg 1596	28 MoReg 448	
4 CSR 240-3.200	Public Service Commission		27 MoReg 1597	28 MoReg 448	
4 CSR 240-3.205	Public Service Commission		27 MoReg 1599	28 MoReg 450	
4 CSR 240-3.210	Public Service Commission		27 MoReg 1600	28 MoReg 450	
4 CSR 240-3.215	Public Service Commission		27 MoReg 1600	28 MoReg 450	
4 CSR 240-3.220	Public Service Commission		27 MoReg 1601	28 MoReg 451	
4 CSR 240-3.225	Public Service Commission		27 MoReg 1601	28 MoReg 451	
4 CSR 240-3.230	Public Service Commission		27 MoReg 1602	28 MoReg 451	
4 CSR 240-3.235	Public Service Commission		27 MoReg 1602	28 MoReg 451	
4 CSR 240-3.240	Public Service Commission		27 MoReg 1603	28 MoReg 452	
4 CSR 240-3.245	Public Service Commission		27 MoReg 1604	28 MoReg 452	
4 CSR 240-3.250	Public Service Commission		27 MoReg 1604	28 MoReg 452	
4 CSR 240-3.255	Public Service Commission		27 MoReg 1605	28 MoReg 452	
4 CSR 240-3.260	Public Service Commission		27 MoReg 1606	28 MoReg 452	
4 CSR 240-3.270	Public Service Commission		27 MoReg 1606	28 MoReg 453	
4 CSR 240-3.275	Public Service Commission		27 MoReg 1607	28 MoReg 454	
4 CSR 240-3.280	Public Service Commission		27 MoReg 1608	28 MoReg 454	
4 CSR 240-3.285	Public Service Commission		27 MoReg 1608	28 MoReg 454	
4 CSR 240-3.290	Public Service Commission		27 MoReg 1609	28 MoReg 455	
4 CSR 240-3.295	Public Service Commission		27 MoReg 1609	28 MoReg 455	
4 CSR 240-3.300	Public Service Commission		27 MoReg 1610	28 MoReg 455	
4 CSR 240-3.305	Public Service Commission		27 MoReg 1610	28 MoReg 456	
4 CSR 240-3.310	Public Service Commission		27 MoReg 1611	28 MoReg 456	
4 CSR 240-3.315	Public Service Commission		27 MoReg 1611	28 MoReg 456	
4 CSR 240-3.320	Public Service Commission		27 MoReg 1612	28 MoReg 456	
4 CSR 240-3.325	Public Service Commission		27 MoReg 1612	28 MoReg 457	
4 CSR 240-3.330	Public Service Commission		27 MoReg 1613	28 MoReg 457	
4 CSR 240-3.335	Public Service Commission		27 MoReg 1614	28 MoReg 457	
4 CSR 240-3.340	Public Service Commission		27 MoReg 1614	28 MoReg 457	
4 CSR 240-3.400	Public Service Commission		27 MoReg 1616	28 MoReg 457	
4 CSR 240-3.405	Public Service Commission		27 MoReg 1617	28 MoReg 458	
4 CSR 240-3.410	Public Service Commission		27 MoReg 1617	28 MoReg 458	
4 CSR 240-3.415	Public Service Commission		27 MoReg 1618	28 MoReg 458	
4 CSR 240-3.420	Public Service Commission		27 MoReg 1618	28 MoReg 458	
4 CSR 240-3.425	Public Service Commission		27 MoReg 1619	28 MoReg 458	
4 CSR 240-3.435	Public Service Commission		27 MoReg 1620	28 MoReg 459	
4 CSR 240-3.500	Public Service Commission		27 MoReg 1620	28 MoReg 459	
4 CSR 240-3.505	Public Service Commission		27 MoReg 1621	28 MoReg 459	
4 CSR 240-3.510	Public Service Commission		27 MoReg 1621	28 MoReg 459	
4 CSR 240-3.515	Public Service Commission		27 MoReg 1622	28 MoReg 460	
4 CSR 240-3.520	Public Service Commission		27 MoReg 1622	28 MoReg 460	
4 CSR 240-3.525	Public Service Commission		27 MoReg 1623	28 MoReg 460	
4 CSR 240-3.530	Public Service Commission		27 MoReg 1624	28 MoReg 460	
4 CSR 240-3.535	Public Service Commission		27 MoReg 1624	28 MoReg 461	
4 CSR 240-3.540	Public Service Commission		27 MoReg 1625	28 MoReg 461	
4 CSR 240-3.545	Public Service Commission		27 MoReg 1625	28 MoReg 461	
4 CSR 240-3.550	Public Service Commission		27 MoReg 1630	28 MoReg 462	
4 CSR 240-3.555	Public Service Commission		27 MoReg 1631	28 MoReg 462	
4 CSR 240-3.600	Public Service Commission		27 MoReg 1632	28 MoReg 462	
4 CSR 240-3.605	Public Service Commission		27 MoReg 1632	28 MoReg 462	
4 CSR 240-3.610	Public Service Commission		27 MoReg 1633	28 MoReg 462	
4 CSR 240-3.615	Public Service Commission		27 MoReg 1633	28 MoReg 463	
4 CSR 240-3.620	Public Service Commission		27 MoReg 1634	28 MoReg 463	
4 CSR 240-3.625	Public Service Commission		27 MoReg 1634	28 MoReg 463	
4 CSR 240-3.630	Public Service Commission		27 MoReg 1635	28 MoReg 463	
4 CSR 240-3.635	Public Service Commission		27 MoReg 1636	28 MoReg 464	

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4 CSR 240-3.640	Public Service Commission		27 MoReg 1636	28 MoReg 464	
4 CSR 240-3.645	Public Service Commission		27 MoReg 1637	28 MoReg 464	
4 CSR 240-10.070	Public Service Commission		27 MoReg 1638R	28 MoReg 464R	
4 CSR 240-10.080	Public Service Commission		27 MoReg 1638R	28 MoReg 464R	
4 CSR 240-13.055	Public Service Commission	26 MoReg 2259	27 MoReg 1639	28 MoReg 464	
4 CSR 240-14.040	Public Service Commission		27 MoReg 1639R	28 MoReg 465R	
4 CSR 240-20.010	Public Service Commission		27 MoReg 1640R	28 MoReg 465R	
4 CSR 240-20.030	Public Service Commission		27 MoReg 1640	28 MoReg 465	
4 CSR 240-20.060	Public Service Commission		27 MoReg 1641	28 MoReg 465	
4 CSR 240-20.070	Public Service Commission		27 MoReg 1644	28 MoReg 465	
4 CSR 240-20.065	Public Service Commission		This Issue		
4 CSR 240-20.080	Public Service Commission		27 MoReg 1646R	28 MoReg 466R	
4 CSR 240-21.010	Public Service Commission		27 MoReg 1646R	28 MoReg 466R	
4 CSR 240-30.010	Public Service Commission		27 MoReg 1646R	28 MoReg 466R	
4 CSR 240-31.010	Public Service Commission		27 MoReg 2159		
4 CSR 240-31.050	Public Service Commission		27 MoReg 2160		
4 CSR 240-31.060	Public Service Commission		27 MoReg 2163		
4 CSR 240-31.065	Public Service Commission		27 MoReg 2166		
4 CSR 240-32.030	Public Service Commission		27 MoReg 1647R	28 MoReg 466R	
4 CSR 240-33.060	Public Service Commission		27 MoReg 1647	28 MoReg 466	
4 CSR 240-33.070	Public Service Commission		27 MoReg 2169		
4 CSR 240-40.010	Public Service Commission		27 MoReg 1648R	28 MoReg 466R	
4 CSR 240-40.040	Public Service Commission		27 MoReg 1648	28 MoReg 466	
4 CSR 240-45.010	Public Service Commission		27 MoReg 1649R	28 MoReg 467R	
4 CSR 240-50.010	Public Service Commission		27 MoReg 1650R	28 MoReg 467R	
4 CSR 240-51.010	Public Service Commission		27 MoReg 1650R	28 MoReg 467R	
4 CSR 240-60.030	Public Service Commission		27 MoReg 1650R	28 MoReg 467R	
4 CSR 240-80.010	Public Service Commission		27 MoReg 1651R	28 MoReg 467R	
4 CSR 240-80.020	Public Service Commission		27 MoReg 1651	28 MoReg 467	
4 CSR 240-120.140	Public Service Commission	28 MoReg 287	28 MoReg 547		
4 CSR 240-123.030	Public Service Commission	28 MoReg 288	28 MoReg 549		
4 CSR 263-1.010	State Committee for Social Workers		27 MoReg 2169		
4 CSR 263-1.015	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-1.025	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-1.035	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-2.020	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.022	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.030	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.031	State Committee for Social Workers		27 MoReg 2172		
4 CSR 263-2.032	State Committee for Social Workers		27 MoReg 2173		
4 CSR 263-2.045	State Committee for Social Workers		27 MoReg 2174		
4 CSR 263-2.047	State Committee for Social Workers		27 MoReg 2174		
4 CSR 263-2.050	State Committee for Social Workers		27 MoReg 2178		
4 CSR 263-2.052	State Committee for Social Workers		27 MoReg 2178		
4 CSR 263-2.060	State Committee for Social Workers		27 MoReg 2182		
4 CSR 263-2.062	State Committee for Social Workers		27 MoReg 2182		
4 CSR 263-2.070	State Committee for Social Workers		27 MoReg 2186		
4 CSR 263-2.072	State Committee for Social Workers		27 MoReg 2186		
4 CSR 263-2.075	State Committee for Social Workers		27 MoReg 2186		
4 CSR 265-2.070	Division of Motor Carrier and Railroad Safety	27 MoReg 2259R	27 MoReg 2269R	This IssueR	
4 CSR 265-2.080	Division of Motor Carrier and Railroad Safety	27 MoReg 2260R	27 MoReg 2270R	This IssueR	
4 CSR 265-2.085	Division of Motor Carrier and Railroad Safety	27 MoReg 2260R	27 MoReg 2270R	This IssueR	
4 CSR 265-2.090	Division of Motor Carrier and Railroad Safety	27 MoReg 2260R	27 MoReg 2270R	This IssueR	
4 CSR 265-2.100	Division of Motor Carrier and Railroad Safety	27 MoReg 2261R	27 MoReg 2271R	This IssueR	
4 CSR 265-2.110	Division of Motor Carrier and Railroad Safety	27 MoReg 2261R	27 MoReg 2271R	This IssueR	
4 CSR 265-2.115	Division of Motor Carrier and Railroad Safety	27 MoReg 2262R	27 MoReg 2271R	This IssueR	
4 CSR 265-2.116	Division of Motor Carrier and Railroad Safety	27 MoReg 2262R	27 MoReg 2272R	This IssueR	
4 CSR 265-2.120	Division of Motor Carrier and Railroad Safety	27 MoReg 2262R	27 MoReg 2272R	This IssueR	
4 CSR 265-2.130	Division of Motor Carrier and Railroad Safety	27 MoReg 2263R	27 MoReg 2272R	This IssueR	
4 CSR 265-2.140	Division of Motor Carrier and Railroad Safety	27 MoReg 2263R	27 MoReg 2273R	This IssueR	
4 CSR 265-2.150	Division of Motor Carrier and Railroad Safety	27 MoReg 2263R	27 MoReg 2273R	This IssueR	
4 CSR 265-4.010	Division of Motor Carrier and Railroad Safety	27 MoReg 2264R	27 MoReg 2273R	This IssueR	

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4 CSR 265-4.020	Division of Motor Carrier and Railroad Safety	27 MoReg 2264R	27 MoReg 2274R	This IssueR	
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 30-4.010	Division of Administrative and Financial Services		28 MoReg 322R		
5 CSR 30-660.070	Division of Administrative and Financial Services		27 MoReg 2191	28 MoReg 576	
5 CSR 50-270.010	Division of School Improvement		27 MoReg 2191	28 MoReg 576	
5 CSR 50-340.150	Division of School Improvement		27 MoReg 2193		
5 CSR 50-350.040	Division of School Improvement		28 MoReg 640		
5 CSR 50-355.100	Division of School Improvement		28 MoReg 323		
5 CSR 50-380.020	Division of School Improvement		27 MoReg 2196	28 MoReg 576	
5 CSR 60-100.020	Vocational and Adult Education		27 MoReg 1941	28 MoReg 576	
5 CSR 60-480.100	Vocational and Adult Education		27 MoReg 1943R 27 MoReg 1943	28 MoReg 577R 28 MoReg 577	
5 CSR 60-900.050	Vocational and Adult Education		27 MoReg 1947	28 MoReg 577	
5 CSR 70-742.141	Special Education		27 MoReg 1947	28 MoReg 577	
5 CSR 80-800.370	Teacher Quality and Urban Education		27 MoReg 1703	28 MoReg 351	28 MoReg 489
5 CSR 80-805.015	Teacher Quality and Urban Education		27 MoReg 1950	28 MoReg 580	
5 CSR 80-805.040	Teacher Quality and Urban Education		27 MoReg 1950	28 MoReg 580	
5 CSR 80-850.045	Teacher Quality and Urban Education		27 MoReg 2198		
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-3.010	Missouri Highways and Transportation Commission		27 MoReg 2058	This Issue	
7 CSR 10-3.040	Missouri Highways and Transportation Commission		27 MoReg 2063	This Issue	
7 CSR 10-10.010	Missouri Highways and Transportation Commission		28 MoReg 21		
7 CSR 10-10.030	Missouri Highways and Transportation Commission		28 MoReg 23		
7 CSR 10-10.040	Missouri Highways and Transportation Commission		28 MoReg 23		
7 CSR 10-10.050	Missouri Highways and Transportation Commission		28 MoReg 24		
7 CSR 10-10.060	Missouri Highways and Transportation Commission		28 MoReg 24		
7 CSR 10-10.070	Missouri Highways and Transportation Commission		28 MoReg 25		
7 CSR 10-10.080	Missouri Highways and Transportation Commission		28 MoReg 26		
7 CSR 10-10.090	Missouri Highways and Transportation Commission		28 MoReg 26		
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 10-3.010	Division of Employment Security		28 MoReg 551		
8 CSR 20-3.030	Labor and Industrial Relations Commission		28 MoReg 325		
	DEPARTMENT OF MENTAL HEALTH				
9 CSR 10-5.200	Director, Department of Mental Health	27 MoReg 1858T			
9 CSR 10-7.110	Director, Department of Mental Health		27 MoReg 1772	28 MoReg 468	
9 CSR 10-7.130	Director, Department of Mental Health		27 MoReg 1951 28 MoReg 645	28 MoReg 468	
9 CSR 25-2.105	Fiscal Management		27 MoReg 1951	28 MoReg 655W	
9 CSR 30-3.110	Certification Standards		27 MoReg 1952	28 MoReg 656	
9 CSR 30-4.195	Certification Standards		27 MoReg 1772	28 MoReg 468	
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-2.070	Air Conservation Commission		28 MoReg 551		
10 CSR 10-2.340	Air Conservation Commission		28 MoReg 325		
10 CSR 10-2.390	Air Conservation Commission		28 MoReg 552		
10 CSR 10-3.090	Air Conservation Commission		28 MoReg 553		
10 CSR 10-4.070	Air Conservation Commission		28 MoReg 553		
10 CSR 10-5.160	Air Conservation Commission		28 MoReg 554		
10 CSR 10-5.170	Air Conservation Commission		27 MoReg 1462	28 MoReg 470	
10 CSR 10-5.480	Air Conservation Commission		28 MoReg 555		
10 CSR 10-6.020	Air Conservation Commission		This Issue		
10 CSR 10-6.060	Air Conservation Commission		27 MoReg 1704 This Issue	28 MoReg 470	
10 CSR 10-6.061	Air Conservation Commission		This Issue		
10 CSR 10-6.062	Air Conservation Commission		This Issue		
10 CSR 10-6.065	Air Conservation Commission		27 MoReg 1462 This Issue	28 MoReg 470	
10 CSR 10-6.070	Air Conservation Commission		28 MoReg 555		
10 CSR 10-6.075	Air Conservation Commission		28 MoReg 557		
10 CSR 10-6.080	Air Conservation Commission		28 MoReg 559		
10 CSR 10-6.100	Air Conservation Commission		27 MoReg 2274		
10 CSR 10-6.120	Air Conservation Commission		27 MoReg 1707	28 MoReg 471	
10 CSR 10-6.350	Air Conservation Commission		28 MoReg 141		
10 CSR 10-6.410	Air Conservation Commission		27 MoReg 1708	28 MoReg 471	

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10 CSR 23-5.050	Division of Geology and Land Survey		28 MoReg 150		
10 CSR 60-2.015	Public Drinking Water Program		This Issue		
10 CSR 60-4.020	Public Drinking Water Program		This Issue		
10 CSR 60-4.030	Public Drinking Water Program		This Issue		
10 CSR 60-4.040	Public Drinking Water Program		This Issue		
10 CSR 60-4.050	Public Drinking Water Program		This Issue		
10 CSR 60-4.055	Public Drinking Water Program		This Issue		
10 CSR 60-4.070	Public Drinking Water Program		This Issue		
10 CSR 60-4.090	Public Drinking Water Program		This Issue		
10 CSR 60-4.100	Public Drinking Water Program		This Issue		
10 CSR 60-6.050	Public Drinking Water Program		This Issue		
10 CSR 60-7.010	Public Drinking Water Program		This Issue		
10 CSR 60-8.010	Public Drinking Water Program		This IssueR This Issue		
10 CSR 60-8.030	Public Drinking Water Program		This Issue		
10 CSR 60-9.010	Public Drinking Water Program		This Issue		
10 CSR 70-8.010	Soil and Water Districts Commission		27 MoReg 2276		
10 CSR 70-8.020	Soil and Water Districts Commission		27 MoReg 2277		
10 CSR 70-8.030	Soil and Water Districts Commission		27 MoReg 2278		
10 CSR 70-8.040	Soil and Water Districts Commission		27 MoReg 2279		
10 CSR 70-8.050	Soil and Water Districts Commission		27 MoReg 2279		
10 CSR 70-8.060	Soil and Water Districts Commission		27 MoReg 2280		
10 CSR 70-8.070	Soil and Water Districts Commission		27 MoReg 2281		
10 CSR 70-8.080	Soil and Water Districts Commission		27 MoReg 2282		
10 CSR 70-8.090	Soil and Water Districts Commission		27 MoReg 2282		
10 CSR 70-8.100	Soil and Water Districts Commission		27 MoReg 2283		
10 CSR 70-8.110	Soil and Water Districts Commission		27 MoReg 2283		
10 CSR 70-8.120	Soil and Water Districts Commission		27 MoReg 2284		
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 10-6.010	Adjutant General		27 MoReg 2285	This Issue	
11 CSR 40-2.010	Division of Fire Safety		27 MoReg 1952R 27 MoReg 1953 28 MoReg 645R	28 MoReg 656	
11 CSR 40-2.015	Division of Fire Safety		27 MoReg 1954	28 MoReg 657	
11 CSR 40-2.020	Division of Fire Safety		27 MoReg 1954R 28 MoReg 645R		
11 CSR 40-2.021	Division of Fire Safety		27 MoReg 1955	28 MoReg 657	
11 CSR 40-2.022	Division of Fire Safety		27 MoReg 1955	28 MoReg 658	
11 CSR 40-2.030	Division of Fire Safety		27 MoReg 1958R 27 MoReg 1958 28 MoReg 645R	28 MoReg 659	
11 CSR 40-2.040	Division of Fire Safety		27 MoReg 1960R 27 MoReg 1960 28 MoReg 646R	28 MoReg 660	
11 CSR 40-2.050	Division of Fire Safety		27 MoReg 1961R 27 MoReg 1962 28 MoReg 646R	28 MoReg 661	
11 CSR 40-2.060	Division of Fire Safety		27 MoReg 1962R 28 MoReg 646R		
11 CSR 40-2.061	Division of Fire Safety		27 MoReg 1963	28 MoReg 661	
11 CSR 40-2.062	Division of Fire Safety		27 MoReg 1963	28 MoReg 662	
11 CSR 40-2.064	Division of Fire Safety		27 MoReg 1963	28 MoReg 662	
11 CSR 40-2.065	Division of Fire Safety		27 MoReg 1964	28 MoReg 662	
11 CSR 40-5.020	Division of Fire Safety		28 MoReg 27		
11 CSR 40-5.050	Division of Fire Safety		28 MoReg 27		
11 CSR 40-5.065	Division of Fire Safety		28 MoReg 27		
11 CSR 40-5.070	Division of Fire Safety		28 MoReg 32		
11 CSR 40-5.080	Division of Fire Safety		28 MoReg 33		
11 CSR 40-5.110	Division of Fire Safety		27 MoReg 1869 28 MoReg 646		
11 CSR 40-5.120	Division of Fire Safety		28 MoReg 33		
11 CSR 45-3.010	Missouri Gaming Commission		28 MoReg 403		
11 CSR 45-5.200	Missouri Gaming Commission		28 MoReg 404		
11 CSR 45-4.260	Missouri Gaming Commission		28 MoReg 34		
11 CSR 45-10.030	Missouri Gaming Commission		28 MoReg 649		
11 CSR 50-2.430	Missouri State Highway Patrol	28 MoReg 629	28 MoReg 649		
11 CSR 50-2.440	Missouri State Highway Patrol	28 MoReg 629	28 MoReg 650		
11 CSR 50-2.500	Missouri State Highway Patrol		27 MoReg 2200	28 MoReg 581	
11 CSR 50-2.510	Missouri State Highway Patrol		27 MoReg 2200	28 MoReg 581	
11 CSR 50-2.520	Missouri State Highway Patrol		27 MoReg 2201	28 MoReg 581	
11 CSR 75-13.020	Peace Officer Standards and Training Program		27 MoReg 2202	28 MoReg 476	
11 CSR 75-14.050	Peace Officer Standards and Training Program		27 MoReg 2288	28 MoReg 582	
11 CSR 75-14.080	Peace Officer Standards and Training Program		27 MoReg 2202	28 MoReg 476	
11 CSR 75-15.030	Peace Officer Standards and Training Program		27 MoReg 2203	28 MoReg 476	

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	DEPARTMENT OF REVENUE				
12 CSR 10-2.045	Director of Revenue		27 MoReg 2203		
12 CSR 10-3.010	Director of Revenue		27 MoReg 2288R	28 MoReg 663R	
12 CSR 10-3.038	Director of Revenue		27 MoReg 2288R	28 MoReg 663R	
12 CSR 10-3.048	Director of Revenue		27 MoReg 2289R	28 MoReg 663R	
12 CSR 10-3.088	Director of Revenue		27 MoReg 2289R	28 MoReg 663R	
12 CSR 10-3.124	Director of Revenue		27 MoReg 2063R	28 MoReg 477R	
12 CSR 10-3.148	Director of Revenue		27 MoReg 2289R	28 MoReg 663R	
12 CSR 10-3.150	Director of Revenue		27 MoReg 2289R	28 MoReg 663R	
12 CSR 10-3.222	Director of Revenue		27 MoReg 2290R	28 MoReg 664R	
12 CSR 10-3.226	Director of Revenue		27 MoReg 2290R	28 MoReg 664R	
12 CSR 10-3.230	Director of Revenue		27 MoReg 2290R	28 MoReg 664R	
12 CSR 10-3.232	Director of Revenue		27 MoReg 2290R	28 MoReg 664R	
12 CSR 10-3.270	Director of Revenue		27 MoReg 2291R	28 MoReg 664R	
12 CSR 10-3.304	Director of Revenue		27 MoReg 2291R	28 MoReg 664R	
12 CSR 10-3.348	Director of Revenue		27 MoReg 2291R	28 MoReg 665R	
12 CSR 10-3.356	Director of Revenue		27 MoReg 2291R	28 MoReg 665R	
12 CSR 10-3.358	Director of Revenue		27 MoReg 2292R	28 MoReg 665R	
12 CSR 10-3.372	Director of Revenue		27 MoReg 2292R	28 MoReg 665R	
12 CSR 10-3.422	Director of Revenue		27 MoReg 2292R	28 MoReg 665R	
12 CSR 10-3.500	Director of Revenue		27 MoReg 2292R	28 MoReg 665R	
12 CSR 10-3.514	Director of Revenue		27 MoReg 2293R	28 MoReg 665R	
12 CSR 10-3.532	Director of Revenue		27 MoReg 2293R	28 MoReg 666R	
12 CSR 10-3.538	Director of Revenue		27 MoReg 2293R	28 MoReg 666R	
12 CSR 10-3.860	Director of Revenue		27 MoReg 2293R	28 MoReg 666R	
12 CSR 10-24.120	Director of Revenue		27 MoReg 2294	28 MoReg 666	
12 CSR 10-24.140	Director of Revenue		28 MoReg 404		
12 CSR 10-24.190	Director of Revenue		27 MoReg 2294	28 MoReg 666R	
12 CSR 10-24.305	Director of Revenue		27 MoReg 2295	28 MoReg 666R	
12 CSR 10-24.395	Director of Revenue		27 MoReg 2295	28 MoReg 667	
12 CSR 10-24.448	Director of Revenue	28 MoReg 5	28 MoReg 3428	This Issue	
12 CSR 10-24.472	Director of Revenue		27 MoReg 2295	28 MoReg 667	
12 CSR 10-26.100	Director of Revenue		28 MoReg 150R		
12 CSR 10-41.010	Director of Revenue	27 MoReg 2125	27 MoReg 2209	28 MoReg 582	
12 CSR 10-110.600	Director of Revenue		27 MoReg 2064	28 MoReg 667W	
12 CSR 10-110.900	Director of Revenue		27 MoReg 2296	28 MoReg 668W	
12 CSR 10-110.950	Director of Revenue		27 MoReg 2064	28 MoReg 477	
12 CSR 10-111.010	Director of Revenue		27 MoReg 2065	28 MoReg 669W	
12 CSR 10-111.060	Director of Revenue		27 MoReg 2068	28 MoReg 671W	
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 40-30.020	Division of Family Services	27 MoReg 2265	27 MoReg 2299		
13 CSR 40-31.025	Division of Family Services		28 MoReg 34		
13 CSR 70-1.020	Division of Medical Services		28 MoReg 405		
13 CSR 70-3.065	Division of Medical Services	28 MoReg 288	28 MoReg 327		28 MoReg 592
13 CSR 70-10.015	Division of Medical Services	28 MoReg 103	27 MoReg 1473 28 MoReg 150	27 MoReg 2306	
13 CSR 70-10.150	Division of Medical Services	27 MoReg 2051	27 MoReg 2069	28 MoReg 477	27 MoReg 1125
13 CSR 70-15.010	Division of Medical Services		28 MoReg 560		
13 CSR 70-20.320	Division of Medical Services		28 MoReg 409		
13 CSR 70-35.010	Division of Medical Services	27 MoReg 1174 28 MoReg 5T	27 MoReg 1324 28 MoReg 409R		
13 CSR 70-40.010	Division of Medical Services	27 MoReg 1176 28 MoReg 397T	27 MoReg 1326 28 MoReg 650	28 MoReg 170	
13 CSR 70-60.010	Division of Medical Services	28 MoReg 290	27 MoReg 2209	28 MoReg 582	28 MoReg 592
13 CSR 70-65.010	Division of Medical Services	28 MoReg 291	27 MoReg 2213	28 MoReg 583	
13 CSR 70-70.010	Division of Medical Services	28 MoReg 293	27 MoReg 2215	28 MoReg 672	
13 CSR 73-1.010	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-1.010)*		28 MoReg 412		
13 CSR 73-2	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2)*				28 MoReg 489
13 CSR 73-2.015	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2.015)*		28 MoReg 412		
13 CSR 73-2.020	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2.020)*		28 MoReg 412		
13 CSR 73-2.025	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2.025)*		28 MoReg 417		
13 CSR 73-2.031	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2.031)*		28 MoReg 417		
13 CSR 73-2.050	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2.050)*		28 MoReg 418		
13 CSR 73-2.051	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2.051)*		28 MoReg 419		

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13 CSR 73-2.055	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2.055)*		28 MoReg 419		
13 CSR 73-2.060	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2.060)*		28 MoReg 420		
13 CSR 73-2.080	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2.080)*		28 MoReg 420		
13 CSR 73-2.085	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2.085)*		28 MoReg 421		
13 CSR 73-2.090	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2.090)*		28 MoReg 421		
13 CSR 73-2.095	Missouri Board of Nursing Home Administrators *(Changed to 19 CSR 73-2.095)*		28 MoReg 421		
	ELECTED OFFICIALS				
15 CSR 30-3.010	Secretary of State	27 MoReg 1933	27 MoReg 2072	28 MoReg 583	
15 CSR 30-8.010	Secretary of State	27 MoReg 1934T 27 MoReg 1934	27 MoReg 2074	28 MoReg 585	
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03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
03-09	Lists Governor's Staff Who Have Supervisory Authority Over Departments	March 18, 2003	28 MoReg 633
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
03-11	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	This Issue

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